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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
STATE OF MICHIGAN—Part 7
(LANSING)

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-THIRD CONGRESS
SECOND SESSION

JUNE 8, 1953; MAY 11, 1954

Printed for the use of the Committee on Un-American Activities

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

STANDING COMMITTEES

- * * * * *
17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

- * * * * *
(q) (1) Committee on Un-American Activities.
(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by or Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE STATE OF MICHIGAN—Part 7

(Lansing)

MONDAY, JUNE 8, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Lansing, Mich.

EXECUTIVE SESSION¹

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:45 a. m., in room 712, Olds Tower Building, Lansing, Mich., Hon. Kit Clardy (acting chairman) presiding.

Committee member present: Representative Kit Clardy.

Staff members present: Donald T. Appell, investigator; and Dolores Anderson, reporter.

Mr. CLARDY. Mrs. Gregurek, will you stand and be sworn, please? In the testimony you are about to give, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. GREGUREK. I do.

Mr. CLARDY. Will counsel please state his name and address for the record, please?

Mr. LEITSON. Morton Leitson, attorney, 804 Detroit Street, Flint, Mich.

Mr. CLARDY. I had better inquire as to whether or not you have ever appeared before this committee, or a subcommittee. If not, I will give a brief explanation. The witness has a right to counsel. If at any time she wishes to confer with her counsel, she may do so. If some particularly important question should arise and you want to leave the room in order to confer in private, you have a right to do so, but counsel is not permitted to take any part in the hearing, other than to confer with his client. If you have an inquiry as to the propriety of the committee sitting with only 1 member, I have been appointed as a subcommittee of 1 by the chairman and am sitting as his sub-committee. Since you are not the first witness we have heard this morning, that statement has been duly placed in the record at the opening of our hearings.

The chairman may appoint a subcommittee for the purposes of holding hearings, rather than sit as a full committee, and in this case it has been done.

Are you ready, Mr. Appell?

Mr. APPELL. Yes, Mr. Chairman.

Mr. CLARDY. Proceed with the questions, please.

Mr. APPELL. Mrs. Gregurek, will you give us your full name, please?

¹ Released by the committee.

TESTIMONY OF GOLDIE ZORA GREGUREK, ACCCOMPANIED BY HER
COUNSEL, MORTON LEITSON

Mrs. GREGUREK. Goldie Zora Gregurek.

Mr. APPELL. Where do you reside?

Mrs. GREGUREK. 401 Beaver Street.

Mr. APPELL. In what town?

Mrs. GREGUREK. Lansing, Mich.

Mr. APPELL. When and where were you born?

Mrs. GREGUREK. In Chicago, Ill., on September 18, 1916.

Mr. APPELL. Would you outline your occupational background from 1935 on, please?

Mrs. GREGUREK. I have been a housewife. I have worked in stores, done restaurant work, and clerking. That is about all.

Mr. APPELL. Where are you presently employed?

Mrs. GREGUREK. At the American State Bank.

Mr. CLARDY. Here in Lansing?

Mrs. GREGUREK. That's right.

Mr. APPELL. Mrs. Gregurek, I will show you a photograph and while this photograph is rather recent, I ask you if you recognize the individual appearing in this photograph as an individual that you at any time knew?

(At this point, Mrs. Gregurek conferred with Mr. Leitson.)

Mrs. GREGUREK. I refuse to answer this question under the fifth amendment.

Mr. CLARDY. May I make this statement, and you may listen to this, Counsel: From now on if she wishes to raise the same grounds, she need only say "I refuse to answer on the same grounds." It will be thoroughly understood when she does this that she is each time raising the fifth amendment. I may or may not agree as to whether she has the right to raise it or not in good faith, but she may do so if she wishes.

Mr. APPELL. Mrs. Gregurek, the individual who is in the photograph I showed you is Dr. Byron Thorwell Darling. During the period of 1938 through 1941, Dr. Darling was an instructor at the Michigan State College. Did you know Dr. Byron Thorwell Darling?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Would you, Mrs. Gregurek, deny knowing an individual if you, in fact, did not know him?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. Did you ever hear at any time of an individual by the name of Dr. Darling?

Mrs. GREGUREK. I refuse to answer—on the same grounds.

Mr. CLARDY. Yes, be sure and say that. The committee does not wish to take advantage of anyone, but after having told a witness what to do, he must do it from then on, without further direction from the Chair.

Mr. APPELL. Mrs. Gregurek, did you in 1939 reside at 401 Beaver Street, in the city of Lansing, Mich.?

Mrs. GREGUREK. I did.

Mr. CLARDY. When did you move to that location—approximately when?

Mrs. GREGUREK. On March 9, 1938.

Mr. CLARDY. And you still reside there?

Mrs. GREGUREK. Yes.

Mr. CLARDY. And have continuously since that time?

Mrs. GREGUREK. That's right.

Mr. APPELL. Mrs. Gregurek, the records of the secretary of state of the State of Michigan shows that in 1940, an individual, G. Gregurek, 401 Beaver Street, was the signer of a Communist Party petition. Are you that individual?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. The committee information reflects that in the year 1940 you were a member of the Communist Party. Is that information true?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. The committee information further shows that, during the same period of time, you were an officer of the Communist Party in the State of Michigan. Is that true or false?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. This information also states that you were a member of the State central committee of the Communist Party from the State of Michigan. Is that correct?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Mrs. Gregurek, in 1940, information was received that students from the Michigan State College were holding meetings at your residence at 401 Beaver Street. Is that true or false?

Mrs. GREGUREK. I refuse to answer on the same grounds. I refuse to answer any questions as to my political beliefs.

Mr. CLARDY. You are not being asked about your political beliefs, and we are not going to indulge you in that.

Mr. APPELL. Did you know a graduate student in Michigan State College in 1940 by the name of Charles Gainor?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Charles Gainor has appeared as a witness before this committee, and has admitted he was a member of the Young Communist League, and that the unit to which he belonged held meetings at the residence, 401 Beaver Street. Is that true or false?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. He has testified that Dr. Byron Thorwell Darling was there at those meetings. Is that true?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Was Dr. Darling the individual who made the arrangements with you for the use of your home?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. Did you know there was a Dr. Darling who held a position on the faculty of Michigan State College? My question is: Did you know there was such an individual?

(At this point Mrs. Gregurek conferred with Mr. Leitson.)

Mrs. GREGUREK. I refuse to answer that question on the same grounds.

Mr. CLARDY. Witness, I am directing you, as chairman of this subcommittee, to answer that question, because in the opinion of the Chair that is not a question in which the fifth amendment can be invoked properly and fairly. So you are being directed to answer that question.

(At this point Mrs. Gregurek conferred with Mr. Leitson.)

Mrs. GREGUREK. I still refuse to answer that question under the same grounds.

Mr. CLARDY. You know there is a college in East Lansing by the name of Michigan State College?

Mrs. GREGUREK. Yes, I know that.

Mr. CLARDY. You also know it has and has had a great many people on its faculty?

Mrs. GREGUREK. Yes, I know that.

Mr. CLARDY. You have visited the college and are familiar with its location and a great many things about the college; is that true?

Mrs. GREGUREK. Yes.

Mr. CLARDY. But you refuse to tell me whether or not there was a member of the staff by the name of Professor Darling.

Mrs. GREGUREK. Yes, that's right.

Mr. CLARDY. Even though that fact may have been publicly stated many times in the newspapers hereabouts?

Mrs. GREGUREK. Yes, that's right.

Mr. CLARDY. Proceed, Mr. Appell.

Mr. APPELL. Mrs. Gregurek, I show you a photostatic reproduction of two pages from a 1939 Communist Party membership book. These two pages I exhibit to you have been taken from the dues section of the book. You will notice under the month of May, March, and April, in place of the stamp which is usually affixed, that there are the initials G.G. I would like to ask you if those are your initials?

Mr. CLARDY. Exhibit the documents to her, Mr. Appell.

(Whereupon Mr. Appell exhibits documents to the witness.)

Mrs. GREGUREK. I refuse to answer under the same grounds.

Mr. APPELL. Would you deny a handwriting analysis that they were yours?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. Witness, have you ever seen anything of this kind before?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. You recognize the fact that on the paper there is the familiar hammer and sickle and the words, "Communist Party, USA" printed as a sort of background. You see that on the document?

Mrs. GREGUREK. Yes, I do.

Mr. CLARDY. In fact you see it on both of them?

Mrs. GREGUREK. I do.

Mr. CLARDY. You also see there is a stamp which in some measure reproduces that same insignia?

Mrs. GREGUREK. I do, yes.

Mr. CLARDY. You also observe, as has been stated in prior questions that those initials are located in three separate places on the two sections?

Mrs. GREGUREK. Yes.

Mr. CLARDY. I take it you are familiar with your own handwriting?

Mrs. GREGUREK. Yes.

Mr. CLARDY. Will you tell me now, is that your own handwriting?

Mrs. GREGUREK. I still refuse to answer on the same grounds.

Mr. CLARDY. Will you deny that it is your handwriting?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. Mark that as "Mrs. Gregurek Exhibits Nos. 1 and 2,"
Miss Reporter.

(Whereupon the documents herein described were marked "Mrs. Gregurek Exhibits Nos. 1 and 2," respectively.¹)

Mr. CLARDY. Before you ask another question, Mr. Appell, the photograph exhibited to her as Professor Darling was marked as "Exhibit No. 1" in the case of another hearing. It is the same photograph. Isn't that correct, Mr. Appell?

Mr. APPELL. Yes sir.

Mr. CLARDY. Mrs. Gregurek Exhibits No. 1 and 2 are received.

Mr. APPELL. Mrs. Gregurek, did you know a student at the Michigan State College by the name of Arthur Wright?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Arthur Wright is now residing in Detroit, Mich. Have you seen Arthur Wright in recent years?

Mrs. GREGUREK. I refuse to answer that question on the same grounds.

Mr. CLARDY. Did you see him just before you came to my office today?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. I am directing you to answer that last question specifically.

Mrs. GREGUREK. I refuse to answer.

Mr. CLARDY. Did you confer with Arthur Wright about your prospective appearance here today?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. CLARDY. How long have you known Mr. Wright?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. CLARDY. Did you know his first wife?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. CLARDY. Did you ever partake in meetings of any kind at which Mr. Wright, and his wife, were also present?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. Did Mr. Wright visit your home at any time?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. CLARDY. Did he ever visit your home at the same time Professor Darling was present at your home?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. CLARDY. Did his wife ever visit your home in the presence of Doctor Darling?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. In order to eliminate any confusion in the record, Doctor Darling was known by the name of "Thor." Did you ever know "Thor" Darling?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Mrs. Gregurek, it is the committee's information that over the last 14 years you have remained in a position of leadership in the Communist Party in the city of Lansing, Mich. Is that true or false?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. Are you now, or have you ever been, a member of the Communist Party?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

¹ Retained in committee files.

MR. CLARDY. Did you know whether or not there were Communist cells in Lansing, or its vicinity?

Mrs. GREGUREK. I refuse to answer on the same grounds.

MR. APPELL. Mrs. Gregurek, did you know Stanley Nowak?

Mrs. GREGUREK. I refuse to answer on the same grounds.

MR. APPELL. Did you know Virginia Glenn?

Mrs. GREGUREK. I refuse to answer on the same grounds.

MR. APPELL. Did you know Charles A. Hill?

Mrs. GREGUREK. I refuse to answer on the same grounds.

MR. APPELL. Are you a member of the State committee of the Progressive Party?

(At this point Mrs. Gregurek conferred with Mr. Leitson.)

Mrs. GREGUREK. I refuse to answer on the same grounds.

MR. CLARDY. Witness, I again direct you to answer that question.

(At this point Mrs. Gregurek conferred with Mr. Leitson.)

Mrs. GREGUREK. On the same grounds, I refuse. I refuse to answer all questions dealing with persons, personalities, books, letters, organizations, and political parties, because I don't know what the Attorney General would have on the list.

MR. CLARDY. Are you aware of the fact there is a party known as the Progressive Party in the State of Michigan?

Mrs. GREGUREK. Yes, I know of it.

MR. CLARDY. Do you know whether or not it has published documents listing persons or other details concerning it?

Mrs. GREGUREK. Yes, I know that.

MR. CLARDY. Has your name appeared on it?

Mrs. GREGUREK. I refuse to answer on the same grounds.

MR. CLARDY. I must direct you to answer that. I warn you that your refusal to answer will place you in contempt of Congress. Again I direct you to answer the question.

Mrs. GREGUREK. I refuse to answer on the same grounds.

MR. APPELL. Mrs. Gregurek, you stated earlier you were going to refuse to answer with respect to certain things because you didn't know what the Attorney General had on his list. I will tell you as a fact that the Progressive Party has not been cited by the Attorney General.

Mrs. GREGUREK. Can you state as a fact that it won't be on the list?

MR. APPELL. I am talking of today.

Mrs. GREGUREK. I am talking of today, too.

MR. CLARDY. I shall tell you frankly, Witness, I shall recommend a citation for contempt because of your failure to answer that and other questions.

MR. APPELL. Mrs. Gregurek, Stanley Nowak, Virginia Glenn, and Charles A. Hill, representing themselves as chairman and secretary of the State Central Committee, and secretary of the State convention of the Progressive Party on September 26, 1949, filed with the secretary of state a list of the officers of the State central committee, which has on it the name of Mrs. Goldie Gregurek, of 401 Beaver Street, Lansing, Mich. I am going to ask you now if that is you?

Mrs. GREGUREK. I refuse to answer on the same grounds.

MR. CLARDY. Do you deny your name was listed on the documents just described to you?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. On November 7, 1950, the Progressive Party again filed with the secretary of state a list of officers, and on it again, as a member of the State central committee appears the name of Goldie Gregurek of 401 Beaver Street, Lansing, Mich. Is that you?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Did you know Jerome Shore?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Did you know Dorothy Wright?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Did you know Ernest Goodman?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. The three individuals whose names I have just asked you about, following the convention of the Progressive Party on August 16, 1952, listed the names of individuals who had been elected as Presidential and Vice Presidential electors of the Progressive Party, and listed with the Secretary of State as one of the electors was the name of Goldie Gregurek, of 401 Beaver Street, Lansing, Mich. I ask you if that was you.

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. You are directed to answer that question.

Mrs. GREGUREK. I still refuse to answer on the same grounds.

Mr. CLARDY. That happens again to be a matter of public knowledge.

Mrs. GREGUREK. You are still trying to make me answer and make me be a stool pigeon.

Mr. CLARDY. You are in contempt of Congress, and I will be derelict in my duty if I do not warn you of that. Now will you answer the question?

Mrs. GREGUREK. No, I won't answer it. I refuse to answer it on the same grounds.

Mr. CLARDY. Very well, you have chosen your course, Witness. I ask you if you are now or ever have been a member of the Communist Party and you refused to answer. Have you ever been a member of an organization known as the Young Communist League?

Mrs. GREGUREK. I refuse to answer that question on the same grounds.

Mr. CLARDY. Have you ever been a member of any affiliate of the Communist Party?

Mrs. GREGUREK. I refuse to answer that question under the same grounds.

Mr. CLARDY. Are you a member at the present time of any underground unit of the Communist Party?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. CLARDY. Do you have any more questions, Mr. Appell?

Mr. APPELL. Yes sir.

Mr. CLARDY. Proceed with your questions, Mr. Appell.

Mr. APPELL. Another member of the Michigan State College staff was known as John Burnette Payne. Did you know John Burnette Payne?

Mrs. GREGUREK. I refuse to answer that question on the same grounds.

Mr. APPELL. Mrs. Gregurek, did you ever attend any meetings at the Trailer Colony at Michigan State College?

Mrs. GREGUREK. I refuse to answer that question on the same grounds.

Mr. APPELL. Mrs. Gregurek, in 1941, or a period prior to that—
Mr. CLARDY. Prior to 1941?

Mr. APPELL. Yes sir. Did you attend a school operated by the Communist Party?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Did you ever attend a school operated by the Communist Party in which the overthrow of the United States by force and violence was described?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Did you ever attend a school operated by the Communist Party at which espionage was discussed?

Mrs. GREGUREK. I refuse to answer that question on the same grounds.

Mr. CLARDY. Did you ever attend any such school at which Professor Darling was also present?

Mrs. GREGUREK. I refuse to answer that question on the same grounds. I told you that before.

Mr. CLARDY. We shall continue to ask you questions.

Mrs. GREGUREK. You keep on asking, and I'll give the same answers.

Mr. APPELL. Did you know Richard Fox?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Have you seen Richard Fox within the last 2 days?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Did you know George Fox at Flint, Mich.?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Did you attend his wedding?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. CLARDY. Now I direct you to answer that last question as to whether you attended a wedding.

Mrs. GREGUREK. I still refuse to answer on the same grounds.

Mr. APPELL. Did you know Gerald O. Whitford, who was teaching at Michigan State College?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Did you know Virginia Dryanski?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Mrs. Gregurek, what was your maiden name?

Mrs. GREGUREK. My maiden name?

Mr. APPELL. Yes.

Mrs. GREGUREK. Dobrinec.

Mr. CLARDY. Will you spell that?

Mrs. GREGUREK. D-o-b-r-i-n-e-c.

Mr. APPELL. You will not deny the evidence that the committee has assembled over a period of 1940 that you were a member of the State Central Committee of the Communist Party of Michigan?

Mrs. GREGUREK. I refuse to answer that question on the same grounds.

Mr. APPELL. I have no further questions, Mr. Chairman.

Mr. CLARDY. Haven't you actually held meetings in your own home of the underground apparatus of the Communist Party, at which Professor Darling was present?

Mrs. GREGUREK. I refuse to answer on the same grounds.

Mr. CLARDY. And didn't Professor Darling at many of those meetings act as leader and one who gave instructions to the rest of you?

Mrs. GREGUREK. I refuse to answer that on the same grounds.

Mr. CLARDY. Do you have any further questions, Mr. Appell?

Mr. APPELL. No, I don't, sir.

Mr. CLARDY. You will be excused from the hearing at this moment, Mrs. Gregurek, and after my report to the full committee you will be told as to whether or not you are continued under the subpoena.

Mrs. GREGUREK. Under the subpoena I am under now?

Mr. CLARDY. Under the subpoena, until the committee discharges it. You will be told by Mr. Appell about the mileage, and so forth, which the committee will pay. Will you do that, Mr. Appell?

Mr. APPELL. I will do so, yes, sir.

(Whereupon the executive session of the subcommittee adjourned at 11:20 a. m. Monday, June 8, 1953, until further call of the Chair.)

AFTERNOON EXECUTIVE SESSION

(The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 2 p. m., room 712, Olds Tower Building, Lansing, Mich., Hon. Kit Clardy (acting chairman) presiding. Committee members present: Representative Kit Clardy. Staff members present: Donald T. Appell, investigator; and Dolores Anderson, reporter.)

Mr. CLARDY. Mr. Gregurek, will you stand and be sworn, please? In the testimony you are about to give, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GREGUREK. I do.

Mr. CLARDY. You are represented by counsel, I see. Will the counsel please identify himself for the record?

Mr. LEITSON. My name is Morton Leitson, of 804 Detroit Street, Flint, Mich.

Mr. CLARDY. You were present at another hearing this morning and therefore know the rules of the committee regarding your rights as a counsel, so I will not repeat them at this time. You may proceed with the questions, please, Mr. Appell.

Mr. APPELL. Mr. Gregurek, will you state your full name and address, please?

TESTIMONY OF FRANK GREGUREK, ACCCOMPANIED BY HIS COUNSEL, MORTON LEITSON

Mr. GREGUREK. Frank Gregurek, 410 Beaver Street, Lansing, Mich.

Mr. APPELL. Mr. Gregurek, when were you born?

Mr. GREGUREK. November 29, 1910.

Mr. APPELL. What year did you enter the United States?

Mr. GREGUREK. In 1927.

Mr. CLARDY. And from what nation?

Mr. GREGUREK. Yugoslavia.

Mr. APPELL. At what port did you enter the United States?

Mr. GREGUREK. New York.

Mr. APPELL. Did you accompany anyone or did you come by yourself?

Mr. GREGUREK. By myself.

Mr. APPELL. You are presently a citizen of the United States?

Mr. GREGUREK. Yes.

Mr. APPELL. When and where were you naturalized?

Mr. GREGUREK. I was naturalized as a minor.

Mr. CLARDY. Derivative citizenship, in other words?

Mr. APPELL. When did your father come to the United States?

Mr. GREGUREK. I can't recall the dates.

Mr. APPELL. Was it before or after you?

Mr. GREGUREK. It was way before me. I was 2 years old in 1912.
It was somewhere around there.

Mr. APPELL. Would you state when he became a citizen?

Mr. GREGUREK. I can't be definite. Maybe 1924 or 1926, something like that, if I am not mistaken.

Mr. CLARDY. Some time prior to your entry to this country?

Mr. GREGUREK. Yes, I am not sure how long.

Mr. CLARDY. But it was a little while before you came over?

Mr. GREGUREK. Yes. I don't know how many years.

Mr. CLARDY. So that when you entered this country, he was at that time a naturalized citizen?

Mr. GREGUREK. Yes.

Mr. APPELL. Mr. Gregurek, what has been your employment since 1933?

Mr. GREGUREK. What do you mean?

Mr. APPELL. Where have you worked?

Mr. GREGUREK. Since 1933?

Mr. APPELL. Yes. Would it be better for you, Mr. Gregurek, if you would start in with your present occupation and go back?

Mr. GREGUREK. I think 1933 I was working in Battle Creek, Mich. 1934 I started to work, if I am not mistaken—

Mr. CLARDY. Would it be fair to put it this way? In 1933 and 1934 or so, you commenced in Battle Creek?

Mr. GREGUREK. Yes, 1933 or 1934.

Mr. APPELL. How long did you maintain that employment in Battle Creek?

Mr. GREGUREK. Since 1942, maybe.

Mr. APPELL. And from 1942 where did you obtain employment?

Mr. GREGUREK. At the Nash-Kelvinator, and a place in Lansing.

Mr. APPELL. How long did you remain with them?

Mr. GREGUREK. To the end of the war.

Mr. APPELL. And where did you then take employment?

Mr. GREGUREK. I was unemployed for a little while and then I had work at the Fisher Body for one day, but that was very heavy job and too much for me physically. So I got a job the next day at the John Bean Corp.

Mr. CLARDY. What year again was that?

Mr. GREGUREK. That was in 1945 or 1946.

Mr. CLARDY. Somewhere within the range of 1945 or 1946?

Mr. GREGUREK. It may be later.

Mr. CLARDY. That is your best recollection at the moment?

Mr. GREGUREK. Yes.

Mr. CLARDY. How long did you stay with the Bean Corp.?

Mr. GREGUREK. I stayed there three months.

Mr. CLARDY. Where did you next become employed?

Mr. GREGUREK. Then I got a job at the Precision Boring Tool Co.

Mr. CLARDY. How long were you with them?

Mr. GREGUREK. I am still—

Mr. CLARDY. You are still with them?

Mr. GREGUREK. Yes.

Mr. APPELL. Mr. Gregurek, I will show you a photograph and ask you if you have ever known this individual?

Mr. CLARDY. Show the photograph to the witness, Mr. Appell.

(Mr. Appell shows the photograph to witness.)

Mr. GREGUREK. I believe I would decline to answer that question on the fifth amendment.

Mr. APPELL. That is on the grounds that any answer you give may tend to incriminate you?

Mr. GREGUREK. Yes.

Mr. CLARDY. Mr. Appell, I think we should identify this as being exhibit No. 1, introduced at a previous hearing, and being a picture of Byron T. Darling.

Mr. APPELL. Yes, sir I was going to do that. Mr. Gregurek, between the years 1939 and 1941, did you know any instructor in the Michigan State College?

Mr. GREGUREK. I decline to answer that on the same grounds.

Mr. APPELL. Did you know an instructor whose name was Byron Thorwell Darling, who was also known generally by the name of "Thor" Darling?

Mr. GREGUREK. I decline to answer that on the same grounds.

Mr. APPELL. The photograph which was exhibited to you was a photograph of Prof. Byron Thorwell Darling, although taken at a much later time—as a matter of fact, in 1953. Have you ever seen this individual?

Mr. GREGUREK. I decline to answer that for the same reason.

Mr. APPELL. Mr. Gregurek, in 1940 were you a member of the State Central Committee of the Communist Party for the State of Michigan?

Mr. GREGUREK. I decline to answer that on the same grounds.

Mr. APPELL. The committee has received testimony to the effect that you permitted your home to be used by a group of students from Michigan State College for the purpose of their holding meetings. Is that true or false?

Mr. GREGUREK. I decline to answer on the same grounds.

Mr. APPELL. Were the arrangements for these meetings made by Dr. Darling, or Professor Darling?

Mr. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Did you know a graduate student at Michigan State College at that period of time by the name of Charles Gainor?

Mr. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Charles Gainor testified before this committee that he had been a member of the Young Communist League, and that a group to which he belonged met at your home in Lansing. Do you deny that testimony?

Mr. GREGUREK. I refuse to answer that also on the same grounds.

Mr. APPELL. Another individual identified as having attended the meetings at your home was that of Arthur Wright, also known as Art Wright. Do you know whether Art Wright attended any meetings at your home?

Mr. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Art Wright was again a student at Michigan State College from 1946 to 1948. Did you know Art Wright at that period of time?

Mr. GREGUREK. I decline to answer on the same grounds.

Mr. APPELL. Mr. Gregurek, if I asked you if you knew someone and you didn't, would you say that you didn't?

(At this point Mr. Gregurek conferred with Mr. Leitson.)

Mr. GREGUREK. Will you state that question again?

Mr. APPELL. If I asked you if you knew a person, and you didn't, would you say that you didn't?

Mr. GREGUREK. Yes.

(At this point Mr. Gregurek conferred with Mr. Leitson.)

Mr. APPELL. Mr. Gregurek, did you know one John Burnett Payne?

Mr. GREGUREK. I refuse to answer that question—same grounds.

Mr. APPELL. He was an instructor at Michigan State College from 1947 to 1950. The committee has received information that he visited at your house. Is that true or false?

Mr. GREGUREK. I decline to answer on the same grounds.

Mr. APPELL. Mr. Gregurek, did you ever know anyone to attend a school of the Communist Party?

Mr. GREGUREK. I refuse to answer that on the same grounds, the fifth amendment.

Mr. APPELL. Did any relative of yours, to your knowledge, ever attend a Communist Party school?

Mr. GREGUREK. I refuse to answer that—

Mr. CLARDY. Do you know whether or not a Communist school has ever been conducted in the East Lansing area at any time?

Mr. GREGUREK. I refuse to answer that for the same reason.

Mr. APPELL. Did you know whether or not Professor Darling has at any time attended such a school?

Mr. GREGUREK. I decline to answer that on the same grounds, the fifth amendment.

Mr. APPELL. When you were employed at Battle Creek, Mich., were you employed by the Wilcox-Rich Co.?

Mr. GREGUREK. Yes.

Mr. APPELL. Did you ever advise anybody at the Wilcox-Rich Co. when you were employed there, that your wife had attended a Communist Party school?

Mr. GREGUREK. Would you repeat the question, please?

Mr. APPELL. Did you ever advise anybody at the Wilcox-Rich Co. when you were employed there, that your wife had attended a Communist Party school?

Mr. GREGUREK. I refuse to answer that question on the same grounds, the fifth amendment.

Mr. APPELL. Did you know an employee of the Wilcox-Rich Co. by the name of Curtis Jefferson?

Mr. GREGUREK. I refuse to answer that for the same reason.

Mr. APPELL. Mr. Gregurek, around May of 1941, according to the committee's information, while you were employed at the Wilcox-Rich Co. you, on at least one occasion, wore an American flag for an apron. Is that true or false?

(At this point Mr. Gregurek conferred with Mr. Leitson.)

Mr. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Did you know Richard Fox?

Mr. GREGUREK. I refuse to answer that on the same grounds.

Mr. APPELL. Mr. Gregurek, have you at any time been a member of a State central committee of the Progressive Party?

Mr. GREGUREK. I decline to answer that question.

Mr. CLARDY. I direct you to answer the question, Witness. That is a matter of public record, so I direct you to answer it.

Mr. GREGUREK. I refuse to answer the question on the same grounds.

Mr. APPELL. Mr. Gregurek, in 1949 the Progressive Party filed with the Secretary of State a listing of the membership of the State central committee of the Progressive Party, and there was listed as a member of the State central committee of the Progressive Party, a Frank Gregurek, of 401 Beaver Street, Lansing, Mich. Do you deny the listing of the Progressive Party?

Mr. GREGUREK. I decline to answer that question on the same grounds, the fifth amendment.

Mr. CLARDY. Again the Chair directs you to answer the question.

Mr. GREGUREK. The same answer.

Mr. CLARDY. You mean you refuse again on the same grounds?

Mr. GREGUREK. Yes, sir.

Mr. APPELL. You are Frank Gregurek?

Mr. GREGUREK. I have identified myself, yes.

Mr. APPELL. You lived at 401 Beaver Street, Lansing, Mich.

Mr. GREGUREK. Yes, sir.

Mr. APPELL. On November 7, 1950, the Progressive Party filed the National and State nominees of members of the State central committee with the secretary of state of the State of Michigan, in 1950. That listed as a member of the State central committee, Frank Gregurek, in 1950. Were you on the State central committee at that time?

Mr. GREGUREK. I decline to answer that question.

Mr. CLARDY. Again, Witness, I direct you to answer this question.

Mr. GREGUREK. I don't know what you mean.

Mr. CLARDY. I am issuing a directive to you because in the opinion of the Chair, you have no right to use the fifth amendment on questions of that sort. The matter is a matter of public record. You will be in contempt of Congress. You may consult with your attorney, if you wish.

(At this point Mr. Gregurek conferred with Mr. Leitson.)

Mr. GREGUREK. I refuse to answer on the same grounds.

Mr. APPELL. Mr. Gregurek, during the period of 1939 to 1941, there was a student at Michigan State College by the name of Robert Bush. Is that true?

Mr. GREGUREK. I decline to answer this question for the same reason.

Mr. APPELL. Robert Bush testified before this committee he had attended meetings at a house which has been described as your residence. Is his testimony true or false?

Mr. GREGUREK. I decline to answer that question on the same grounds, the fifth amendment.

Mr. CLARDY. Witness, the committee is informed that Professor Darling attended such meetings at your house. Is that evidence we have true or false?

Mr. GREGUREK. I decline to answer that question on the same grounds, the fifth amendment.

Mr. APPELL. Mr. Gregurek, are you a member of the Communist Party?

Mr. GREGUREK. I decline to answer that question on the same grounds, the fifth amendment.

Mr. APPELL. In 1940 were you a member of the Communist Party?

Mr. GREGUREK. I decline to answer that on the same grounds.

Mr. CLARDY. Have you ever been a member of the Communist Party?

Mr. GREGUREK. I decline to answer on the same grounds.

Mr. CLARDY. Have you ever been a member of the Young Communist League, or any other affiliate of the Communist Party, or organization connected with the Communist Party in any form?

Mr. GREGUREK. I decline to answer all of the questions and give as my reason the same answer, the fifth amendment.

Mr. CLARDY. Have you ever engaged in any espionage activity here in the United States, for and on behalf of any foreign power?

Mr. GREGUREK. No.

Mr. CLARDY. Have you ever had at any time in your possession information concerning the Armed Forces of this Nation which you have in turn given to any other unauthorized person?

(At this point Mr. Gregurek conferred with Mr. Leitson.)

Mr. GREGUREK. Will you rephrase that question?

(Whereupon the reporter reads question to witness.)

Mr. CLARDY. Answer the question.

Mr. GREGUREK. As far as I know, I haven't.

Mr. CLARDY. Is there any question in your mind as to whether you have or have not?

(At this point Mr. Gregurek conferred with Mr. Leitson.)

Mr. GREGUREK. Do you mean did I give some secrets?

Mr. CLARDY. The question is perfectly plain. You can either decline to answer it or you can answer it, one way or another. It doesn't call for any further explanation and it will not be given. If you can't understand it, your counsel should be able to help you understand it. You have three alternatives. To answer "Yes" or "No," or to decline to answer. I am leaving that up to you.

Read the question to him again, Miss Reporter.

(Whereupon the reporter read question to witness:)

Have you ever at any time had in your possession information concerning the Armed Forces of this Nation which you have, in turn, given to any other unauthorized person?

Mr. GREGUREK. No; I haven't.

Mr. CLARDY. Have you heard the name Professor Darling at any time?

Mr. GREGUREK. I decline to answer that.

Mr. CLARDY. I must instruct you again to answer this question because the matter I have queried you about can be answered without any danger of incrimination. I have merely asked you if you have ever heard of the name of Professor Darling?

Mr. GREGUREK. I decline to—

Mr. CLARDY. You decline to answer or you have heard?

Mr. GREGUREK. I decline to answer.

Mr. CLARDY. On the same grounds?

Mr. GREGUREK. Yes, the fifth amendment.

Mr. APPELL. Mr. Gregurek, have you studied a book entitled "The History of the Communist Party of the Soviet Union"?

Mr. GREGUREK. I decline to answer that question on the same grounds, the fifth amendment.

Mr. APPELL. Does that text deal with the overthrow of governments by force and violence?

Mr. GREGUREK. I refuse to answer that question.

Mr. APPELL. Do you advocate the overthrow of the United States Government by force and violence?

Mr. GREGUREK. No.

Mr. CLARDY. Have you ever attended a meeting at which anyone has advocated that?

Mr. GREGUREK. I decline to answer that.

Mr. CLARDY. Have you ever attended such a meeting at which that was advocated and which was attended by Professor Darling?

Mr. GREGUREK. I decline to answer that on the same grounds.

Mr. APPELL. Mr. Gregurek, did you know a girl by the name of Lois Taft?

Mr. GREGUREK. I decline to answer that on the same grounds, the fifth amendment.

Mr. APPELL. She became the wife of Art Wright; did she not?

Mr. GREGUREK. I decline to answer that on the same grounds, the fifth amendment.

Mr. APPELL. Did Lois Taft ever attend any meeting at your home?

Mr. GREGUREK. I decline to answer that on the same grounds of the fifth amendment.

Mr. CLARDY. Did she ever attend any meetings at your home in the company of Professor Darling?

Mr. GREGUREK. I decline to answer that for the same reason.

Mr. CLARDY. Have you ever had any Communist literature of any kind in your possession at your home?

Mr. GREGUREK. I decline to answer that for the same reason.

Mr. CLARDY. Did you have such literature at your home at the present time?

Mr. GREGUREK. I decline to answer that on the same grounds.

Mr. CLARDY. Did you subscribe to any Communist magazines or newspapers?

Mr. GREGUREK. I decline to answer that question for the same reason, the fifth amendment.

Mr. CLARDY. Are you receiving any such material, magazines, pamphlets, or newspapers which may be sent to you without your having entered a formal subscription—in other words, like the Daily Worker?

Mr. GREGUREK. I decline to answer that on the same grounds of the first and fifth amendments.

Mr. CLARDY. Do you know what I referred to when I mentioned the Daily Worker?

Mr. GREGUREK. I decline to answer on the same grounds.

Mr. CLARDY. Have you ever heard of a paper called the Daily Worker?

Mr. GREGUREK. I refuse to answer that.

Mr. CLARDY. I instruct you to answer the question. Do you still decline?

Mr. GREGUREK. I decline to answer on the fifth amendment, yes.

Mr. CLARDY. Are you at present acquainted with any person who is known to have been a member of the Communist Party?

Mr. GREGUREK. I decline to answer that question on the fifth amendment.

Mr. CLARDY. Have you recently held any meetings or any gatherings at your home with any of the persons who have been named in the questions asked you here today?

Mr. GREGUREK. I decline to answer that on the same grounds.

Mr. CLARDY. Have you met with any of the persons who have been named in the questions here today and discussed with them the appearance of yourself and others before this committee today?

Mr. GREGUREK. I refuse to answer that on the same grounds, the fifth amendment.

Mr. CLARDY. Did you ever have a Communist Party book or card?

Mr. GREGUREK. I decline to answer that on the same grounds, the fifth amendment.

Mr. CLARDY. Did you ever see a Communist Party book or card?

Mr. GREGUREK. I refuse to answer that on the same grounds, the fifth amendment.

Mr. APPELL. You knew a Joe Dobrinec of Detroit, Mich.?

Mr. GREGUREK. You mean Dobrinec?

(At this point Mr. Gregurek conferred with Mr. Leitson.)

Mr. GREGUREK. Yes, he is my father-in-law.

Mr. CLARDY. By the way, have you ever made any contribution of any kind in the form of dues or otherwise to the Communist Party?

Mr. GREGUREK. I decline to answer on the fifth amendment.

Mr. CLARDY. Have you ever in any way acted to collect dues from others for and on behalf of the Communist Party?

Mr. GREGUREK. I decline to answer that question on the same grounds.

Mr. APPELL. Have you ever heard of an organization called the Croatian Fraternal Union?

Mr. GREGUREK. I refuse to answer that question.

Mr. CLARDY. I direct you to answer that. The question is merely, have you ever heard of it, not were you connected with it.

Mr. GREGUREK. I refuse to answer it on the same grounds.

Mr. APPELL. Are you a member of the Croatian Fraternal Union?

Mr. GREGUREK. I refuse to answer that question on the same grounds.

Mr. APPELL. Did your father-in-law manage the Croatian Fraternal Hall in Detroit?

Mr. GREGUREK. I refuse to answer that question on the same grounds.

Mr. APPELL. Did you know an Anna Dennis, of Ypsilanti?

Mr. GREGUREK. I decline to answer on the same grounds.

Mr. CLARDY. Do you have any further questions, Mr. Appell?

Mr. APPELL. No, sir.

Mr. CLARDY. You are excused at this time, and the question of when the subpoena will be lifted and you will be excused finally from it will be a matter which I will decide when I get to Washington and report to the full committee.

(Whereupon, at 2:45 p. m., Monday, June 8, 1953, the executive session was adjourned until further call of the Chair.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE STATE OF MICHIGAN—Part 7

(Lansing)

TUESDAY, MAY 11, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Lansing, Mich.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:31 a. m., in the House of Representatives chamber, State Capitol, Hon. Kit Clardy (acting chairman), presiding.

Committee members present: Representatives Kit Clardy (acting chairman) and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; Donald T. Appell, investigator; and Mrs. Juliette P. Joray, acting clerk.

Mr. CLARDY. The committee will be in session.

At the commencement of the hearing this morning the committee has a few things it would like to say about the hearing of yesterday and about the hearings at Detroit and the things that have followed both of those hearings. Following yesterday's hearing the press and radio have carried the stories to the effect that President Hatcher and those working with him at the University of Michigan have taken prompt and effective action in the matter of the three members of the faculty of the university, of which I happen to be a graduate.

The committee thinks that the record should show that we have had excellent cooperation and perfect understanding from President Hatcher and the administrative officers under him throughout the entire period that we have been conducting the investigation. We have not, of course, been divulging to them the contents of the files of the committee as President Hatcher has correctly stated in the press, but we have cooperated with them, and they have with us as far as we could do so under the authority conferred upon us. We want at this time to express publicly our appreciation of the fact that not only has that been true at the University of Michigan, but at the other institutions that were mentioned at the hearings in Detroit, and we want to emphasize the fact that the committee did not come into Michigan for the purpose of investigating any of the schools or the schools as a whole, the teaching profession, or the teaching unions or, for that matter, any organized group. The committee does not take the position that any of these institutions are riddled with Communists or

are Communist dominated and controlled or anything of that sort. We have not set out to discover whether that is true, but from the superficial knowledge that inevitably comes to such a committee as ours, we are very much of the opinion that it would be decidedly unfair to draw an inference that these educational institutions are dominated by, controlled by, or badly infiltrated by Communists or the Communist Party. The only point that we have been seeking to make and that we shall continue to try to make is that there are some individual Communists who have succeeded in gaining places on the faculties of some of these institutions.

It has been the purpose of the committee to search out those people for the purpose of gathering facts that will enable us to better recommend to the entire Congress remedial legislation that will, in the long run, help these institutions to detect and then rid themselves of such influences. Unfortunately the university and the other schools do not possess the power of subpoena; they cannot place witnesses under oath and subject them to pains and penalties if they should refuse to answer questions honestly and truthfully. Where the committee comes in is that it is in a position to do that and to lay out before the institutions of learning facts that we develop in these hearings. From there on out it is up to those institutions to do whatever, in their judgment, is wise and proper. We have made no effort to dictate to any of these schools, nor will we, as to what they should do following the hearings that we may hold. In this instance, of course, the committee is intensely gratified to know that the heads of the various institutions in the State have been alert to the problems our hearings have developed and have taken swift, prompt, and I think, effective action. The people who appeared before us will unquestionably be given a further opportunity by those schools to do that which they did not do before, that is, state their own case, their own side, fully and freely. If in the proceedings that these schools carry forward any contradictory matter should develop, that is, contradictory to the facts developed by our committee, we may, as we have done before, find it expedient to have those same witnesses before us again in the hope that they may then cooperate with us.

I have made this statement because sometimes the erroneous impression gets abroad that the committee is attempting to do some of the harsh things the witnesses were accusing us of yesterday. We have no such intention, and we shall not do the things that they have charged us with.

Now, Mr. Tavenner, do you have a witness?

Mr. TAVENNER. I would like to call as the first witness Mr. John C. Houston. Will you come forward, please.

Mr. CLARDY. Are you Mr. Houston?

Mr. HOUSTON. I am, sir.

Mr. CLARDY. Will you hold up your right hand? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOUSTON. I do.

Mr. CLARDY. Are you represented by counsel?

Mr. HOUSTON. I am.

Mr. LEONARD. My name is Archie G. Leonard at 910 Pontiac State Bank Building, Pontiac, Mich.

Mr. CLARDY. I think the Chair is moved to remark, as he did yesterday, on behalf of the entire committee, that the committee does not want anyone to draw any inference whatsoever about any attorney that may appear on behalf of any of witnesses called before us. We recognize the fact that as attorneys you and I, since all but one of our members are attorneys, are charged with a public responsibility and that you are here in behalf of your client in response to that. We do not want anyone to draw any inferences whatsoever about the fact that you have chosen to represent the gentlemen you do represent. Are you ready, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. LEONARD. May I say——

Mr. CLARDY. Off the record, please.

(Discussion was held off the record.)

Mr. CLARDY. I should have inquired of the witness, although it is really his responsibility, but if you have any objection to being televised, the instructions will be given to keep the camera off of you. Do I understand correctly, you do object?

Mr. LEONARD. I do, sir.

Mr. CLARDY. I don't think I need repeat what I have said.

Are we ready?

Mr. TAVENNER. Yes, sir.

Mr. CLARDY. Proceed.

Mr. TAVENNER. What is your name, please, sir?

TESTIMONY OF JOHN C. HOUSTON, ACCCOMPANIED BY HIS COUNSEL, ARCHIE G. LEONARD

Mr. HOUSTON. John Houston.

Mr. TAVENNER. Will you please state your age, residence, and occupation?

Mr. HOUSTON. I think I am 28, but I would have to figure it out. That is a guess. I live in Pontiac, Mich., and I am an attorney by profession.

Mr. TAVENNER. Where were you born?

Mr. HOUSTON. Dearborn, Mich.

Mr. TAVENNER. What is your birthday?

Mr. HOUSTON. June 6, 1925.

Mr. TAVENNER. How long have you been engaged in the practice of law?

Mr. HOUSTON. Oh, approximately 2½ years.

Mr. TAVENNER. Where did you receive your legal education?

Mr. HOUSTON. The University of Michigan.

Mr. TAVENNER. When did you enter the university?

Mr. HOUSTON. I believe it was in the fall of 1944.

Mr. TAVENNER. You took your academic training at the University of Michigan, also?

Mr. HOUSTON. Yes; I received my bachelor's degree at the university and also my law degree there.

Mr. TAVENNER. Will you tell the committee, please, what record of employment you have had other than the practice of your profession?

Mr. HOUSTON. For what period of time?

Mr. TAVENNER. Beginning in 1940—1944, say.

Mr. HOUSTON. Well, I don't know. You might consider this part-time employment. When I attended the university I lived in a cooperative house there. We did all our own cooking, floor sweeping, house management, and so forth and so on. I helped pay my expenses at the university.

Mr. CLARDY. You are talking about the period of time when you were in school?

Mr. HOUSTON. Yes.

Mr. CLARDY. You are making it sound like my own biography.

Mr. HOUSTON. Well, there are a good many of us who have to work to get our way through school.

Mr. CLARDY. Not a bad way to do it, either.

Mr. HOUSTON. No; I think it helps the educational process.

Aside from that and since I have been practicing, I don't think there is anything except I dropped out of school for a year in 1947 when I wasn't too sure what I wanted to do with my future. I wanted to have a chance to think about it pretty thoroughly and make up my mind. I worked as a camera salesman most of that period and I learned a bit about photography, learned that I would rather be my own boss than have somebody ordering me around, and that helped me make up my mind after I did. I went back to school and finished—

Mr. TAVENNER. Was that employment in Michigan?

Mr. HOUSTON. No, that was in New York City.

Mr. TAVENNER. How long did you live in New York City?

Mr. HOUSTON. Oh, roughly about a year.

Mr. TAVENNER. At what address did you live when in New York City?

Mr. HOUSTON. Oh, Lord, I couldn't tell you. We lived in three or four places. Housing was scarce, and it was pretty miserable, what there was of it, and we jumped around from pillar to post. I lived for a while on Manhattan Island itself. I think it was on 74th Street West. I lived for a while somewhere up in the Bronx; lived for a while in Brooklyn, near good old Prospect Park. That is about all I can think of.

Mr. TAVENNER. Mr. Houston, were you present during the course of the hearing in Detroit on Friday of last week when Mrs. Bereniece Baldwin testified?

Mr. HOUSTON. No, sir, I was not.

Mr. TAVENNER. During the course of her testimony she advised the committee that she was the dues secretary of the Communist Party for the State of Michigan; that during that period of time she was employed by the Federal Bureau of Investigation and made reports to it of the knowledge which came to her in the performance of her duties as dues secretary of the Communist Party. She described her official connections with an organization known as the Ralph Neafus Club of the Communist Party at the University of Michigan. She advised the committee that she had written a letter in October of 1947 to Mr. Ed Shaffer concerning the dues, and that another person, not you, replied to that letter. The person was William T. Carter. Then at a later date Betty Houston succeeded Carter in that capacity. She also testified that it came to her attention as dues secretary of the Communist Party that your membership in the Neafus Club of the Communist Party was transferred to New York City in 1947 but that

the transfer had been canceled. I do not propose to ask you any question relating to her testimony regarding your wife.

My questions will be addressed only as to her testimony regarding you. If her testimony is correct, it would indicate that you were in 1947 a member of the Neafus Club of the Communist Party of the University of Michigan. If that be true, you have very definite knowledge of the operations of that club and its activity. Now, will you tell the committee, please, whether or not you were a member of the Neafus Club of the Communist Party at the University of Michigan?

Mr. HOUSTON. No, sir; I don't think it is any of your business. I shall decline to answer that and any similar questions, and if I may, I would like to state my grounds. First, I consider any such question to be a violation—I would like to say this first: my answer is not only that I will refuse to answer the question, I will decline to answer that question. It is also—and because of my constitutional rights, but it is also because I feel that this committee has no right to even ask such a question. I don't feel they have the right for these reasons—

Mr. CLARDY. May I interrupt you at that point so we can cover this as we go along?

Mr. HOUSTON. Yes, sir, certainly.

Mr. CLARDY. I think I should tell you since you are also a member of the bar of the State of Michigan, that that question has been raised continually, repeatedly, and that it has been unanimously rejected, not only by the committee, but whenever any test has been made of it. I don't want to argue it with you; I am merely stating it as we go along, so you may proceed with your next point.

Mr. HOUSTON. Well, of course the Supreme Court has never ruled directly on the question. I rather feel when they do, they will come out with the right decision.

Mr. CLARDY. You are in error there. The Court has ruled on it, but it undoubtedly has not been called to your attention and you do not know.

Mr. HOUSTON. I am well aware of the decisions in that matter. However, let me discuss my grounds. I don't think we have to discuss the Supreme Court too much here.

Mr. CLARDY. Proceed.

Mr. HOUSTON. First, I consider this question and the asking thereof to be a violation of article I, section 9, clause 3 of the Constitution of the United States, which says that no bill of attainder or ex post facto law shall be passed, and the Supreme Court of the United States has said in *United States Reports 303-328, U. S. v. Lovett*—an act recommended by this committee, incidentally—this clearly accomplishes the punishment of named individuals without judicial trial. When our Constitution and Bill of Rights was written, our ancestors had ample reason to know that legislative trials and punishments were too dangerous to liberty of free men they envisaged. Secondly, I consider the asking of such a question a violation of the basic principles of the separation of powers between the executive, the legislative, and the judicial functions.

This committee, in my opinion, is usurping the functions of all three when it acts as prosecutor, judge, jury, and executioner and as

Thomas Jefferson and James Madison said in the Federalist papers, and wisely so, the concentration of legislative, judicial, and executive functions in a single body is precisely the definition of tyranny. Thirdly, I consider asking this question a violation of the first amendment which says that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances, and as the Supreme Court of the United States has said in *West Virginia State Board of Education v. Barnett* (319 U. S. 624), if there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or for citizens to confess by word or act their faith therein.

Fourthly, I consider the asking of this question a violation of my right of privacy against unreasonable search and seizure under the fourth amendment which says the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. And as Justice Brandeis has said in *Homestead v. United States*—

Mr. SCHERER. No warrants are issued in this case; no papers sought to be seized.

Mr. HOUSTON. This, I would say, if you want to discuss the matter, is a pretty broad—

Mr. CLARDY. No, we don't want to discuss it. You hasten along and state your reasons. We have heard them all many times before, as you undoubtedly know. Go ahead.

Mr. SCHERER. I am surprised at them, though, coming from a lawyer. That is what surprises me.

Mr. CLARDY. No, I don't think you are really surprised.

Mr. SCHERER. No, not considering his background as we know it.

Mr. CLARDY. Go ahead, witness.

Mr. HOUSTON. I don't know whether I got the citation of this case in or not, 277 U. S. 438, Justice Brandeis said, and I quote,

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellects. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred as against the Government the right to be let alone, the most comprehensive of rights, and the right most valued by civilized men. To protect that right every unjustifiable intrusion by the Government upon the privacy of an individual, whatever the means employed, must be deemed a violation of the fourth amendment.

Fifthly—

Mr. CLARDY. May I interrupt. How many more pages of that do you have?

Mr. HOUSTON. Oh, I am more than half done.

Mr. CLARDY. You may proceed.

Mr. HOUSTON. Fifthly, I consider the asking of this question a violation of the due process provisions of the fifth amendment which says that no person shall be held to answer for capital or otherwise infamous crime unless on the presentment or indictment of a grand jury.

Mr. SCHERER. You haven't been indicted or charged with anything.
Mr. CLARDY. Not yet.

Mr. SCHERER. Why do you raise that question?

Mr. HOUSTON. I think it is very significant that the committee is operating entirely outside the field of crime. I have not been asked if I have committed a crime. I don't think I will be asked if I committed a crime.

Mr. SCHERER. Why do you raise that provision then, as a lawyer?

Mr. HOUSTON. Precisely because I think this committee is completely circumventing the Constitution which very carefully set up an established procedure for the indictment and trial of persons for crimes, and they have precisely attempted to prevent anybody from being charged by a legislative inquiry or any other means without following the outlines as laid down in the Constitution.

Mr. SCHERER. I am shocked that a lawyer should make such an argument. It is not applicable to the situation at all, and you know it.

Mr. HOUSTON. I think it is very applicable.

Mr. CLARDY. Witness, to just interrupt you briefly, don't you think it truly significant that despite the fact that all of these objections you have thus far raised have been raised continually since the creation of the committee in 1938 and thus far no court in the land has struck us down on any of the points you are raising, and yet there have been literally hundreds, if not thousands, of witnesses, not only before our committee, but committees from the other body seeking the same information. I don't ask you to answer anything. You may proceed, but I am just pointing out that it is truly remarkable that after all these years, some 15 years of raising those same questions, the committee has invariably been upheld by the courts.

Proceed.

Mr. HOUSTON. I think it is rather significant that in all those 15 years the Supreme Court has avoided direct ruling on—

Mr. CLARDY. You are decidedly in error, and I am indeed surprised that under oath you would make that statement because you must know it is not true.

Now, proceed.

Mr. HOUSTON. Very well. I shall continue.

Mr. CLARDY. I am not threatening you with any indictment for perjury on that because we have no power to do it, but I am more shocked than my brother here to note that a lawyer who has had the benefit of an education at the institution where I received mine would go so far overboard as to make that statement. It just isn't true, but go ahead.

Mr. HOUSTON. Well, I would like to defend myself on that particular charge. In the case of the Hollywood 10, when it came up directly on the first amendment, the Supreme Court refused to rule on it. I think it would have been a good thing for the country if they had.

Mr. SCHERER. And they served in jail.

Mr. HOUSTON. Yes, because the Supreme Court refused to rule on the question.

Mr. SCHERER. Because they raised the same question you raised.

Mr. CLARDY. They raised the same question, but much more offensively, I must say, than you are raising it and yet the court sustained

the power of this committee to do exactly that against which you are protesting, but go ahead.

Mr. HOUSTON. Well, the court had right of certiorari.

Mr. CLARDY. You might have something to say we haven't heard yet so we will hear you out.

Mr. HOUSTON. Well, I doubt if I have anything startling or original here, but we shall proceed.

Mr. CLARDY. Go right ahead.

Mr. HOUSTON. I was on the fifth amendment here somewhere. I rather lost track of my thought. I believe I was in the procedures outlined by the Constitution for indictment by grand jury and trial by petit jury. No person shall be held to answer for capital or otherwise infamous crime unless on presentment or indictment of grand jury, nor shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty, or property without due process of law, and the Supreme Court, as the lower courts, have repeatedly held that the privilege of the fifth amendment is to protect the innocent rather than the guilty. In the language of *Twining v. New Jersey* (211 U. S. 78), this protection is to protect the innocent rather than shelter the guilty and is a safeguard against heedless, unfounded, or tyrannical prosecutions.

Six, the violation of the due process protections of the sixth amendment which states that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have previously been ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defense.

Seventh and finally, I consider the asking of this question a violation of the ninth and tenth amendments which state respectively that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people, 10, the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

These amendments as a group, I feel, indicate the sovereignty of the people of the United States from which your powers derive. It is the function of the people to tell their Congressmen what to do, not the function of Congressmen to tell the people what to think or what organizations they may or may not join. The Congressmen under our Constitution are declared to be the servants, not the masters of the people.

Mr. CLARDY. Does that conclude your statement?

Mr. HOUSTON. That concludes my reasons. For these reasons I shall not answer this question or any similar question.

Mr. CLARDY. Now, may I suggest for the purpose of expediting the proceeding that when further questions are asked, if you care to decline to answer, that you merely do so by a brief statement indicating you are relying on the grounds already put into the record.

Mr. HOUSTON. I shall do so, sir.

Mr. CLARDY. I have at this point a couple of remarks I think I should make. I noted that as you went along you cited that part of

the Constitution which deals with the spiritual as distinguished from the material. I don't mind confessing that I am considerably surprised to find anyone who embraces any part of the Communist doctrine speaking of things spiritual. I don't think it is at all meet for anyone who adheres to the tenets of the godless things we call communism to be bringing in that part of the Constitution, and then you did advance one thing, and I want to comment on it—you did bring in the fifth amendment, particularly that part which deals with the fact that no one shall be compelled to be a witness against himself. Now, you may continue to invoke all of the other points that you wish, but I think in fairness and justice to you I should tell you something that you already know, that the committee actually regards the fifth amendment as the only solid basis upon which a witness may refuse to answer, and then only in the event that it is raised in good faith and raised properly to a question that may in some way, if answered, set off a chain that would and could possibly result in the witness incriminating himself. If in the opinion of the committee that consequence could not follow from an answer, we shall direct you to answer the question as the possible basis—I say "possible" because there is considerable action to be followed—for contempt proceedings to follow later.

Now you may proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Houston, were you issued a Communist Party transfer from the Neafus Club of the Communist Party to the State of New York which was subsequently canceled?

Mr. HOUSTON. Well, it is about the same question, and it will get about the same answer.

Mr. TAVENNER. You mean you refuse to answer?

Mr. HOUSTON. Certainly.

Mr. TAVENNER. The committee is informed that there was in the city of Ann Arbor a group of the Communist Party known as the Town Club. The committee desires to know the nature of the composition of that club. Were you transferred to it from the Neafus Club of the Communist Party?

Mr. HOUSTON. I will refuse to answer that question again for the same reasons. I won't answer any questions in this area.

Mr. CLARDY. Mr. Tavenner, so there will be no confusion in this record, you are speaking of the club at Ann Arbor.

Mr. TAVENNER. I thought I said Ann Arbor.

Mr. CLARDY. I know, but I want to emphasize it because I happen to be a member of the Town Club of Lansing. I do not want any confusion.

Mr. TAVENNER. This was the Town Club of the Communist Party.

It has been a matter of concern to the committee, Mr. Houston, as to the nature of the activities of the various members of the Neafus Club of the Communist Party within the University of Michigan as well as any who may have been a member of the Town Club of the Communist Party in Ann Arbor. Our investigation discloses that you were connected one way or another with a number of organizations during the period of your work at the University of Michigan which the committee desires to question you about. We understand that there was a chapter on the campus of the [National] Lawyers Guild.

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. TAVENNER. A membership report of student organizations covering the period of 1948-49 filed with the university authorities, a photostatic copy of which I have before me, shows the name of John C. Houston as a member of that organization. Were you a member of it.

Mr. HOUSTON. What is this? Of which is this now?

Mr. TAVENNER. National Lawyers Guild.

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. HOUSTON. Well, this is a little back in my dim, dark, distant past.

Mr. SCHERER. Dark, did you say?

Mr. HOUSTON. It is an expression, Congressman. I trust you have heard it before. Nothing, I don't think, can be insinuated from the phraseology. I shall decline to answer that question upon the reasons that I have previously stated.

Mr. CLARDY. The Chair directs that you answer that question.

Mr. HOUSTON. Well, I can't even be sure. I think I will just play it safe. I don't think the committee has the right to ask that question, and I think I would rather stick with my constitutional grounds as previously stated.

Mr. CLARDY. What do you mean, you will play it safe?

Mr. HOUSTON. Well, I just don't feel that my activities are any of the committee's business. I didn't come up here to fence with you about them. I told you initially I wouldn't answer any questions of this sort. Whether or not I was a member of this organization is really none of your business, and I would just rather not answer questions of this sort.

Mr. CLARDY. We are not inquiring about membership in the Communist Party. We are asking you, Were you a member of the National Lawyers Guild?

Mr. HOUSTON. I am aware of that.

Mr. CLARDY. Well, do you apprehend that by admitting membership in that organization you could, by some quirk of circumstance, be incriminating yourself?

Mr. HOUSTON. No, I apprehend that this committee has labeled this among a couple of thousand other organizations as being subversive. My opinions on probably a good number of these organizations would disagree with yours violently, but at any rate, since you have made the proclamation and I can't discuss the activities of these organizations in a full and fair and free manner here with you, I will just refuse to admit any associations with any political organization.

Mr. CLARDY. Now you have clearly stated that you are not invoking the fifth amendment because you say that there is no danger of incrimination.

Mr. HOUSTON. Oh, no, sir, I did not say that. Under Twining against New Jersey, which specifically states that this privilege is for the innocent, not for the guilty, and as to—

Mr. CLARDY. Hold it just a moment.

Mr. HOUSTON. These heedless and unwarranted prosecutions, I invoke the privilege.

Mr. CLARDY. Go back. I want the record read, that part of his statement in which he first started answering my question.

(The question and answer were read by the reporter as follows:)

Well, do you apprehend that by admitting membership in that organization you could, by some quirk of circumstance, be incriminating yourself?

Answer. No, I apprehend that this committee has labeled this among a couple of thousand other organizations as being subversive.

Mr. CLARDY. Witness, the point I am making is, you used the word "no." I obviously was interrogating you as to whether or not you were invoking the fifth amendment, and you said "no." Now, is it your desire to change that "no" at this time? I don't want to trick you, but you definitely and clearly left the fifth amendment out. Do you want to invoke the fifth amendment?

Mr. HOUSTON. We seem to be doing a lot of fencing here.

Mr. CLARDY. No, there is no fencing about it. I am in dead earnest, sir. Do you care to invoke the fifth amendment in your reply to my question?

Mr. HOUSTON. I care to invoke the entire number of reasons for my refusal which I have previously stated. I don't restrict it to any particular one or any part of one.

Mr. CLARDY. But you do invoke the fifth amendment?

Mr. HOUSTON. Of course.

Mr. CLARDY. Very well. You did not the first time.

Mr. HOUSTON. Well, it was my intention to. These questions are a little vaguely stated, and I have difficulty making the answers in a proper form.

Mr. CLARDY. Well, I think I must comment, you have had enough education to have understood that very simple question of mine, but we will let that pass. Go ahead.

Mr. TAVENNER. The committee's investigation in Los Angeles disclosed the existence of a Communist Party cell restricted entirely to members of the legal profession. The evidence showed that that group of the Communist Party endeavored to control the National Lawyers' Guild local chapter in the city of Los Angeles and the extent of its success. What the committee desires to know here is, to what extent did the Communist Party succeed in infiltrating the National Lawyers' Guild chapter in the University of Michigan. Will you tell the committee to what extent it was successful, if you know?

Mr. HOUSTON. I will decline to answer that question upon the same reasons.

Mr. TAVENNER. Will you lean forward, please?

Mr. HOUSTON. I will decline to answer that question for the same reasons and upon the same grounds as previously stated.

Mr. CLARDY. May I interrupt a moment. There was one other comment I wanted to make on the answer to my question. You said you would not have an opportunity to fully answer. I want to assure you that you do have. Even if you are the only witness we have here today, you have all the time and all the opportunity you may desire to state your position fully because I do not want you to say when you leave this hearing room that you were confronted with questions you didn't have an opportunity to answer, and you couldn't state your position. We have issued no statements about you, we have said nothing about you. Our first disclosure to the public concerning you comes with the asking of these questions, and you have the simultaneous opportunity to defend yourself if you think you are being charged with something. Proceed, Mr. Tavenner.

Mr. HOUSTON. Congressman, that last statement was not true. I don't know who gave the public a good bit of information, but somebody or other did, and I assume it came from this committee.

Mr. CLARDY. Well, your assumption is utterly without foundation. In every instance—and I suspect it is true in this case—the press have obtained their information from statements issued in advance of the hearing by the witnesses themselves, and I strongly suspect that you, yourself, have issued a statement to somebody or have talked to someone because the publicity that came out sounded suspiciously like that of the other 14 or 15 witnesses who have run to the press about their identity and about the hearing.

Proceed, Mr. Tavenner.

Mr. HOUSTON. I have not issued a statement. Any information which has come out so far has come out solely from this committee or its friendly informers.

Mr. CLARDY. That is utterly false, sir, and I am very sure you know it is false. Now, will you proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Houston, was there in existence on the campus of the University of Michigan an organization of the Progressive Party?

Mr. HOUSTON. Well, as I have previously stated, I won't answer any questions in this area. I will decline to answer this one upon the reasons previously stated.

Mr. TAVENNER. The committee has received evidence indicating that Communist Party members were directed to become members of the Progressive Party and to take a leading role in the activities of that party. I want to find out the extent to which that plan was put into effect in an organization at the University of Michigan, if it is true that they did put such a plan into effect.

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. TAVENNER. I hand you a photostatic copy of Membership Report of Student Organizations for the summer semester 1948-49, the organization being entitled "Wallace Progressives." I will ask you to examine the document and look at lines 16 and 23, on the first page and line 15 on the second page, and ask you to state the names that you see there. What is the name of the person who is a member of that organization on line 16?

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. HOUSTON. I think, as you are well aware, Mr. Tavenner, all university-recognized organizations, that is, organizations recognized by the governing body, whichever governing body it may be, of the University of Michigan, required at the time I attended school, and I suppose still do require, that all members of the organization be listed and filed with the—

Mr. TAVENNER. Yes, sir.

Mr. HOUSTON. Dean of men's office, something like that.

Mr. TAVENNER. And that is that list?

Mr. HOUSTON. This list that you have given me here, so far as I know I have never seen it before, but at any rate, it purports to be an official University of Michigan offices of students affairs membership report of student organizations. It is a matter of public record. It wasn't too hard for your investigators to dig up, I don't suppose.

Mr. TAVENNER. Well, if you will just answer my question, please. What is the name appearing on line 16?

Mr. HOUSTON. The name appearing on line number 16 is one Houston, John.

Mr. TAVENNER. What is the name appearing on line 23?

Mr. HOUSTON. One Alvin N. Lippitt—Lippitt, Alvin N., excuse me.

Mr. TAVENNER. Will you spell the name, please?

Mr. HOUSTON. L-i-p-p-i-t-t.

Mr. TAVENNER. Now will you look on the second sheet and tell us the name appearing on line 15?

Mr. HOUSTON. Line 15 is one Terrelo, James R.

Mr. TAVENNER. Will you read that name, please?

Mr. HOUSTON. Terrelo.

Mr. TAVENNER. Will you spell it?

Mr. HOUSTON. T-e-r-r-e-l-o. It is a matter of public record.

Mr. TAVENNER. Now, what was your official position with that organization at that time?

Mr. HOUSTON. I will decline to answer that question upon the grounds previously state.

Mr. TAVENNER. Weren't you the treasurer?

Mr. HOUSTON. I will decline to answer that question for the same reason.

Mr. TAVENNER. Were not the other two persons named, that is, Mr. Lippitt and Mr. Terrelo, the officials of that organization?

Mr. HOUSTON. I will decline to answer that question, too.

Mr. TAVENNER. Did you say you decline?

Mr. HOUSTON. Yes, sir. I have stated before that I don't care to answer any questions, and I feel the politics—

Mr. TAVENNER. That is all right. I just didn't hear you.

Mr. HOUSTON. O. K.

Mr. TAVENNER. Were those two individuals, Lippitt and Terrelo, known to you as members of the Communist Party?

Mr. HOUSTON. I will decline to answer that question for the same reason.

Mr. TAVENNER. Were you a member of the committee for civil rights while in attendance at the University of Michigan?

Mr. HOUSTON. I will decline to answer that question.

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. SCHERER. Witness, this isn't funny. I have been watching. You have been laughing and smirking continually, and I want the record to show this, as part of your contemptuous attitude toward this investigation of this committee.

Mr. HOUSTON. I hardly think I have a contemptuous attitude. I have answered the questions fairly fully, more so than they deserve, perhaps. I would like to make my position clear, incidentally. I mean no disrespect for Congress, the institution of or most of the Members thereof. I have for a long time and still do object to this committee and its unconstitutional actions.

Mr. SCHERER. A lot of Communists object to the committee.

Mr. HOUSTON. There are an awful lot of people in this country that object to it. I wouldn't restrict it to any one group.

Mr. TAVENNER. Were you a member of an organization known as the Interracial Association while you were in attendance at Michigan University?

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. HOUSTON. I will decline to answer that question.

Mr. TAVENNER. Will you also decline to answer questions relating to your activities or the activities of that organization?

Mr. HOUSTON. Well, this is a long time ago. I don't know if I could answer those if I wanted to.

Mr. TAVENNER. Do you remember whether or not Marvin H. Gladstone was a member?

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. HOUSTON. Well, this is not discussing the activity of the organization. I don't care to discuss individuals involved. I decline to answer that.

Mr. CLARDY. The Chair directs that you answer that question because as an attorney you must well know that it does not afford you any protection whatsoever when we ask you a question about someone else.

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. TAVENNER. Was Jack A. Lucas—

Mr. CLARDY. Pardon me. I have directed him to answer.

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. HOUSTON. Would you please identify the person named?

Mr. CLARDY. I think you know the gentleman. The name was Marvin H. Gladstone.

Mr. HOUSTON. Has Mr. Gladstone been declared subversive?

Mr. CLARDY. Answer the question, witness.

Mr. HOUSTON. Well, I think it is only fair that you should identify him on the record.

Mr. CLARDY. I think you know the gentleman—in fact I know you know the gentleman. Now, don't fence with us; answer the question.

Mr. HOUSTON. Well, in view of your attitude, then I will decline to answer the question.

Mr. TAVENNER. Was Ed Shaffer a member of that organization?

Mr. HOUSTON. I will decline to answer that question for the same reason.

Mr. CLARDY. Now, you know who Ed Shaffer is, do you not?

Mr. HOUSTON. I have read about him enough in the paper lately, so I have a pretty good idea.

Mr. CLARDY. Well, you actually know him, do you not?

Mr. HOUSTON. Well, I told you, I am not going to discuss individuals or associations here. I don't care to discuss—

Mr. CLARDY. Haven't you associated with him?

Mr. HOUSTON. You are making an assumption. I will decline to answer that.

Mr. CLARDY. You, as a matter of fact—you didn't let me finish the question—actually associated with him in Communist Party circles over a long period of time?

Mr. HOUSTON. This is an even bigger assumption than the last one. I will decline to answer.

Mr. SCHERER. Isn't that assumption of Mr. Clardy's true?

Mr. HOUSTON. I decline to answer that one, too; same question, same answer.

Mr. TAVENNER. Was James Terrello, the same person referred to in connection with the Progressive organization, a member of this group?

Mr. HOUSTON. I will decline to answer that question on the same grounds.

Mr. TAVENNER. What were the objectives of this organization?

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. HOUSTON. As I previously stated, Mr. Tavenner, that was a long time ago. I can make what is probably a moderately accurate guess, but I can't tell you definitely. The Interracial Association—was that the name of it?

Mr. TAVENNER. Yes.

Mr. HOUSTON. The Interracial Association of the University of Michigan, as I recall it, was an organization, a voluntary association of students at the University of Michigan, which was organized for the purpose of enlarging minority rights, bringing Negro citizens of this country up to full and complete, what we might term, first-class citizenship, to eliminate segregation and discrimination, not only in a certain sense in the university itself, but also in the town in which we live, and to assist as best we could with our limited facilities any persons of a minority who were in trouble through being of a minority throughout the United States. It was also for the purpose of bringing together students of different races, creeds, colors, nationalities. I have found over the course of my life that if you get to know people from different countries, different nationalities, different races, different religions, you get a much better understanding of their cultures. You like them more as individuals, and you learn to appreciate the contributions of their cultures to our Nation and to the world as a whole. This, as I say, is only a guess, but I presume it is a fairly good one, as to the activities of that organization.

Mr. TAVENNER. When was the organization formed; do you recall?

Mr. HOUSTON. I have no idea. No.

Mr. TAVENNER. Did you take part in the formation of it?

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. HOUSTON. I will decline to answer that question.

Mr. TAVENNER. To what extent was the Communist Party responsible for the organization of that group?

Mr. HOUSTON. I will decline to answer that question, too.

Mr. TAVENNER. To what extent was the Communist Party responsible for the initiation of its programs and its procedures?

Mr. HOUSTON. I will decline to answer that question for the same reason.

Mr. TAVENNER. Will you tell the committee, please, what the objectives of the Committee for Civil Rights were, if you know?

Mr. HOUSTON. Well, I hesitate to act as spokesman for any of these organizations and probably a rather unqualified one. I can probably make a poor guess if you want, but that is all it would be.

Mr. TAVENNER. Let me ask you, weren't you its secretary in 1949?

Mr. HOUSTON. I will start where we were. I think I declined to answer about that organization before. I will do the same thing.

Mr. TAVENNER. I erroneously referred to you or asked you a question on the assumption that you were its treasurer, but I will ask you now, were you its secretary?

Mr. HOUSTON. Well, I don't suppose the officership—I will decline as treasurer as well as secretary or vice versa, whichever way it was.

Mr. TAVENNER. Were you issued in 1946 for the year 1947 Communist Party card number 69464?

Mr. HOUSTON. I didn't hear the first part of that question.

Mr. TAVENNER. I say, were you issued in the year 1946 the 1947 Communist Party card number 69464?

Mr. HOUSTON. I think that is rather clearly out of your field, and I will decline to answer that question.

Mr. CLARDY. Is it your conception that this committee has no authority under the Constitution and the statutes to inquire about every phase of communism, including the number of a party card that someone may possess, in this instance the card which you possessed? Are you making—

Mr. HOUSTON. Are you testifying here against me?

Mr. CLARDY. I am asking you, are you making the absurd contention that the Congress of the United States, representing the people of this Nation, have no right to explore that far into the Communist conspiracy to destroy us?

Mr. HOUSTON. Well, you are making kind of an absurd assumption when you say—

Mr. CLARDY. What is absurd about that, sir? What is absurd?

Mr. HOUSTON: Let me state my position. I think that this committee has no right, and essentially under the first amendment has no right, to express into the area of associations, of political opinions at all. This has nothing to do, so far as I am concerned, with the Communist Party, although that has theoretically been one of the subjects of your investigation.

Mr. SCHERER. It has nothing to do with the Communist Party, whether or not you held a party card?

Mr. HOUSTON. I am answering the question as to my opinion of what rights this committee has. Let us take them one at a time here. I don't think that this committee under the Constitution has the right to put a damper on freedom of inquiry, and I think it is dangerous to the country to do so. The only way a democracy can properly function is by allowing full, free, and fair discussion of issues, and I think the people of this country are wise enough to come to the right conclusion if they are allowed that full, free and full discussion.

Mr. CLARDY. I must interrupt you. Do you think if the Communist Party had control here as it does in Poland, for example, that there would be any allowance of a free discussion of the kind going on right here today? Don't you realize and understand that the rights you are pretending to plead for have been utterly suppressed in all of the nations under Communist domination?

Mr. HOUSTON. Well, I can't say—

Mr. CLARDY. Your answer has a hollow sound to me, sir. I think we will ask you to proceed with the questions. It is obvious the witness doesn't care to answer that question fairly. Proceed.

Mr. HOUSTON. I would like to say this, if I may, in answer to that last statement, while I can't qualify as a spokesman for the Communist Party of Poland.

Mr. CLARDY. I think you can.

Mr. HOUSTON. I think the American people have certain rights in their Constitution that I think are being trampled on here. As an attorney I feel it is my duty as perhaps a leader of the community, as most attorneys are, I think the entire bar should rise up against the violations of our constitutional rights. They have long been the leaders in the defense of the liberties of the people. It is a tradition that seems away back from early England, and I hope to see the bar again rise up in this country in defense of the Constitution. I don't jokingly urge these arguments on you. I seriously think that the

Constitution means what it says, and I think this committee is in gross violation of it, and for that reason I don't care to cooperate with the overthrow, to my way of thinking, of this Constitution.

Mr. CLARDY. No, you would rather overthrow the Government, wouldn't you?

Mr. HOUSTON. I don't care to overthrow the Government, either. I am an attorney, I am an officer of the court, I have sworn to uphold this Constitution, and uphold it I will.

Mr. CLARDY. You are doing it in a very strange way, I must say.

Mr. HOUSTON. Well, it is a matter of opinion.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. I have asked you various questions relating to Communist Party affiliations by you at certain times and places. Have you been a member of the Communist Party at any other time and place than those mentioned?

Mr. HOUSTON. Well, I told you earlier, I won't discuss my political affiliations. I won't discuss about back then or now, and you can ask the question 10 different ways, and you will get 10 same answers. I will decline, if it is not clear.

Mr. TAVENNER. Were you acquainted at the University of Michigan with a person by the name of Francis X. Crowley, C-r-o-w-l-e-y?

Mr. HOUSTON. Would you identify the individual, please?

Mr. TAVENNER. I am asking you to identify him.

Mr. HOUSTON. Well, I am asking you to identify him.

Mr. TAVENNER. I think I can identify him to the extent that he was a student at the University of Michigan. Does that refresh your recollection?

Mr. HOUSTON. There were about 20,000 of them. It doesn't help much.

Mr. CLARDY. Do I understand by that answer you are saying you did not know him?

Mr. HOUSTON. No, I am asking the committee to identify him. I think it is only fair under the circumstances.

Mr. CLARDY. Witness, you know full well that you did know the gentleman. Now why fence with us?

Mr. HOUSTON. Do you refuse to identify him?

Mr. CLARDY. We have identified him. He was in your circle.

Mr. HOUSTON. Well, all right. Now that you have identified him or at least you think you have, I will decline to answer the question.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Mr. Scherer?

(At this point Mr. Houston conferred with Mr. Leonard.)

Mr. SCHERER. Witness, isn't it a fact that you presently—I don't mean as of this moment—that you presently regularly confer secretly with the high functionaries of the Communist Party in Pontiac?

Mr. HOUSTON. You are making an awfully big assumption there.

Mr. SCHERER. Well, is my assumption correct?

Mr. CLARDY. You have an opportunity to deny it if it is not true, sir.

Mr. HOUSTON. Well, if you want to testify against me, you take it to a grand jury, and we will answer the question.

Mr. CLARDY. Well, that is a pretty good suggestion, but we are trying to get the answer here today. We are giving you the opportunity, if it is not true, to spread on the record and before the public the fact that it is not so. Now proceed.

Mr. SCHERER. Isn't it a fact that you are the leader of the underground of the Communist Party in this area?

Mr. HOUSTON. I will decline to answer that question. I have noticed throughout these hearings that you start all these somewhat ridiculous questions by "Isn't it a fact," which sounds rather devastating, but I think the people can see it for what it is.

Mr. SCHERER. Well, is it a fact? Am I in error when I make that statement? Have I stated an untruth?

Mr. HOUSTON. Well, as I have said before, you have no right to ask—

Mr. SCHERER. Will you answer that question?

Mr. HOUSTON. You have no right to ask such questions, and I will refuse to answer them. I am here upholding the Constitution, and whether you don't like the Constitution or not, I do, and I will stick by it. I would like to say, perhaps, Mr. Scherer—

Mr. CLARDY. Pardon me. There is no question pending at the moment.

Mr. HOUSTON. All right.

Mr. SCHERER. I have nothing further.

Mr. CLARDY. Do you have any further questions?

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Witness dismissed. Call your next witness.

Mr. TAVENNER. Mr. Richard K. Fox.

Mr. CLARDY. Hold up your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Fox. I do.

Mr. CLARDY. It has been suggested that we have a few minutes recess to give Miss Reporter a little rest, so we will take a 5-minute break.

(Whereupon, at 10:41 a. m., the hearing was recessed, to reconvene at 10:46 a. m.)

(Whereupon, at 10:52 a. m., the hearing was reconvened.)

Mr. CLARDY. The committee will be in session.

Proceed, Mr. Tavenner.

TESTIMONY OF RICHARD FOX

Mr. TAVENNER. What is your name, please, sir?

Mr. Fox. First, I would like to state that I have had the privilege of consulting with Pierce, Planck and Ramsey in relation to this hearing.

Mr. CLARDY. I couldn't hear you, witness.

Mr. Fox. I would like to state that I have had the privilege of consulting with Mr. Martin Pierce of Pierce, Planck, and Ramsey in this town, 1808 Olds Tower Building.

Mr. CLARDY. You have had the privilege of consulting with him, you say?

Mr. Fox. That is right. Under the rule of the—

Mr. CLARDY. Is he present and do you desire to have him represent you? Is that what you mean?

Mr. Fox. I understand that an attorney cannot represent me, can only advise me, and I have had that advice previous to this hearing.

Mr. CLARDY. Then you do not request that there be any postponement of your appearance so you may obtain an attorney.

Mr. Fox. I would like to point out that I have been unemployed for 18 weeks, and I have no money to pay for an attorney, and this is the best way that I could see to get consultation.

Mr. CLARDY. Well, at any rate, you do not have counsel present here today.

Mr. Fox. That is correct. I would also like to present a motion. He advised me to present a motion under the fourth amendment, protesting the service of this subpoena. Your agent broke into my father's house where I was working at the time, and he did not identify me at any time, and he did not identify himself.

Mr. CLARDY. Witness, it is most unfortunate that you made that remark because you have issued a public statement to that effect. I must tell you now that in view of what you have said, it will be necessary for this committee to contradict each and every word that you said in that regard—

Mr. Fox. That is your privilege.

Mr. CLARDY (continuing). Through the mouths of at least two separate witnesses before the hearing is concluded, one of which is in Flint at the present time, so it will be at a subsequent hearing—

Mr. Fox. There was no witness to that service.

Mr. CLARDY. Hold up. I read your statement in the press. I want to tell you now that it is utterly false, and the statement you made—

Mr. Fox. You're a liar [Profanity deleted].

Mr. CLARDY. The statement you made is false, and therefore, having chosen to make the statement that you did, the committee has no alternative. We did not ask you a question. You volunteered the statement. We have no alternative—

Mr. Fox. I presented a motion.

Mr. CLARDY (continuing). But to present evidence to contradict you—

Mr. Fox. It would be perjured evidence.

Mr. CLARDY (continuing). Which may result before the Attorney General is through with a prosecution for perjury. Now, I ask you from here on out—

Mr. Fox. You better inform your agents that they commit perjury—

Mr. CLARDY. Will you cease interrupting—because you may find yourself also subject to an action for contempt. Now I ask you to weigh each and every word carefully—

Mr. Fox. I have.

Mr. CLARDY (continuing). From here on out, so that you may not aggravate that which you have started. I am indeed sorry that you chose voluntarily to do what you did, because the committee had no intention whatever of even so much as referring to the published statement in the Lansing State Journal.

Having brought it up and having made the statement you did—

Mr. Fox. I beg to differ. I didn't see it in the Lansing State Journal or any other paper.

Mr. CLARDY. Witness, if you do not cease interrupting and saying things when a question is not pending, I must warn you that it will, in itself, be contempt of the Congress of the United States, which—

Mr. Fox. Is that under the rules of procedure?

Mr. CLARDY. Which we have the honor to represent. One more time, sir, and I am afraid there will have to be something drastic done

to suppress you, even to the use of physical force if that becomes necessary.

Mr. FOX. That is a characteristic.

Mr. CLARDY. Now, remain silent, sir.

Will the officer come forward and stand beside this witness during the interrogation? Where is Andy? Will you come forward, please, and seat yourself beside the witness. It is obvious that we shall have a modest amount of difficulty in restraining him, but we are prepared.

Now, Mr. Tavenner, will you proceed to ask a question.

Mr. TAVENNER. Will you state your name, please, sir?

Mr. FOX. Richard Fox.

Mr. TAVENNER. Do you have a middle initial, Mr. Fox?

Mr. FOX. I refuse to answer under the fifth amendment.

Mr. CLARDY. Many of you are present here today who did not have the benefit of hearing the Chair's announcement with respect to demonstration. It is absolutely prohibited because you are in the presence of an arm of the Congress of the United States. It is imperative that there be no demonstration, either for or against anybody connected with this proceeding. I am sure that most of you present did not know that we have that inflexible rule. I do issue the warning now because I am sure you will observe it from here on out.

Now, I direct the witness to answer the last question. It has to do solely with whether or not you have a middle initial.

Mr. FOX. My attorney informs me that I merely have to identify myself to this committee, and that is the name that appears on the subpoena, and that is exactly what I have done.

Mr. CLARDY. You are then refusing to answer that question?

Mr. FOX. I am refusing to answer on the fifth amendment.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. You state that you have sought the advice of counsel. If during the course of the hearing you desire to confer with counsel again, I am certain the committee will authorize it to be done.

Mr. FOX. Thank you.

Mr. CLARDY. That is a standing rule and procedure by the committee and will be permitted if the witness makes that request.

Mr. TAVENNER. When and where were you born, Mr. Fox?

Mr. FOX. I was born in Brookfield Township, Oakland County, Mich., in 1921, March 31.

Mr. TAVENNER. What is your present occupation?

Mr. FOX. My present occupation is that of a carpenter.

Mr. TAVENNER. Are you a member of a carpenters' union?

Mr. FOX. I refuse to answer that question on the ground of the fifth amendment.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. CLARDY. Yes; I direct the witness to answer that question.

Mr. FOX. I don't believe that is a proper question.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. How long have you been employed or have followed the occupation of a carpenter?

Mr. FOX. Off and on since 1940.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. FOX. I was educated in the public schools of Michigan.

Mr. TAVENNER. Did that include Michigan State College?

Mr. FOX. I refuse to answer that question on the ground of the fifth amendment.

Mr. CLARDY. I direct the witness to answer that last question.

Mr. FOX. I still refuse.

Mr. TAVENNER. You stated, Mr. Fox, that an investigator for this committee broke into you home. Did I understand that you made that statement? Do I understand correctly that that is what you said?

Mr. FOX. That is correct.

Mr. CLARDY. Did you say into your home or your father's home?

Mr. FOX. I didn't understand the question. Will you please repeat the question?

Mr. CLARDY. I think you originally said your father's home, and I don't want to have you—

Mr. FOX. That is correct.

Mr. TAVENNER. Did you or any member of your family meet the committee investigator at the door?

Mr. FOX. That I do not know.

Mr. CLARDY. Were you in the room that the front door opens into?

Mr. FOX. No, I was not.

Mr. TAVENNER. Have you served at any time in the Armed Forces of the United States?

Mr. FOX. I served for six years in the Armed Forces of the United States.

Mr. TAVENNER. What branch of the service?

Mr. FOX. I refuse to answer on the ground of the fifth amendment.

Mr. CLARDY. Well, now, witness, I must direct you because it certainly cannot incriminate you to identify the branch of the service in which you did serve.

Mr. FOX. I beg to differ with you. My attorney informs me that any question that I deem would lead to questions that might place me in jeopardy I do not have to answer under the fifth amendment.

Mr. CLARDY. Well, I think I should tell you, having known Barnard Pierce for many years as one of the ablest lawyers in the State of Michigan, I am very confident that he did not advise you to refuse to answer that question. He is too good a constitutional lawyer. Proceed Mr. Tavenner.

Mr. TAVENNER. When did you return from your 6 years of service in the Armed Forces?

Mr. FOX. Would you please make that question a little more specific?

Mr. TAVENNER. When did you return to private life from service in the Armed Forces?

Mr. FOX. In the spring of 1946.

Mr. TAVENNER. Where did you then take up your residence?

Mr. FOX. At that time the family was in the process of moving, and I don't recall exactly where I did take up my residence.

Mr. TAVENNER. When did you enter Michigan State College as a student?

Mr. FOX. I refuse to answer that question on the ground previously stated.

Mr. CLARDY. You are directed to answer the question.

Mr. FOX. I still refuse.

Mr. TAVENNER. Did you become a member of any veterans' organization after the completion of your service in the Armed Forces of the United States?

Mr. FOX. I refuse to answer that question on the ground of the fifth amendment.

Mr. SCHERER. I think you should direct the witness again to answer that question.

Mr. CLARDY. I so direct.

Mr. FOX. I still refuse.

Mr. TAVENNER. Did you become a member of any veterans' organization on the campus of Michigan State College?

Mr. FOX. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. Have you lived in Detroit at any time?

Mr. FOX. I don't recall.

Mr. TAVENNER. You do not know whether you have lived in Detroit?

Mr. FOX. It all depends on what the counsel means by "lived."

Mr. TAVENNER. Did you reside there?

Mr. FOX. I may have when I was a child.

Mr. TAVENNER. Have you worked there?

Mr. FOX. I probably did; yes.

Mr. TAVENNER. When?

Mr. FOX. Oh, various periods; 1940, 1939, 1938.

Mr. SCHERER. Where did you live when you worked in Detroit?

Mr. FOX. I probably lived in Troy Township.

Mr. SCHERER. Where is that with relation to the city of Detroit?

Mr. FOX. That is in the neighborhood of Bloomfield Hills.

Mr. TAVENNER. Did you either reside or work in Detroit at any time since 1950?

Mr. FOX. I don't have any record of my employment, and I can't say truthfully just whether I did or not.

Mr. TAVENNER. Have you attended any meeting of the Communist Party in the city of Detroit since 1950?

Mr. FOX. I refuse to answer that question on the grounds on the fifth amendment.

Mr. TAVENNER. Are you acquainted with a person by the name of Harold Mikkelsen?

Mr. FOX. I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. Mr. Harold Mikkelsen was a witness before the Committee on Un-American Activities in Detroit on Tuesday of last week. He testified that while a member of the Communist Party he was employed by the Federal Bureau of Investigation to work for it within the Communist Party, and this he did for a period of years, making constant reports to the Federal Bureau of Investigation of the matters which came to his attention. During the course of his testimony before the committee he identified you as a person who attended closed Communist Party meetings in the city of Detroit. Was he telling the committee the truth or not?

Mr. FOX. Are you asking for my opinion?

Mr. CLARDY. No; we are asking you to merely state a fact as to whether that was true or false.

Mr. TAVENNER. Insofar as it concerns you; yes.

Mr. FOX. I cannot corroborate the testimony of paid informers.

Mr. TAVENNER. Well, let me ask you the question—

Mr. CLARDY. Pardon. May I interrupt? Were you present in Detroit at the time Mr. Mikkelsen testified? I know you were there during the proceedings, but did you hear his testimony?

Mr. Fox. On what date was that?

Mr. CLARDY. My question is, Did you hear his testimony? In other words, were you there and present at the time Mr. Mikkelsen testified?

Mr. Fox. I don't quite—where do you mean? Where was I?

Mr. CLARDY. Were you within the sound of the voice of the witness?

Mr. Fox. I am afraid you are trying to entrap me in some legal mumbo jumbo, and I cannot quite understand the area—

Mr. CLARDY. Well, we will calm your fears. Were you at any time sitting in the courtroom at Detroit, room 859 in the Federal Building, while this committee was conducting hearings there last week?

Mr. Fox. Is this the same question?

Mr. CLARDY. You heard the question; now answer it.

Mr. Fox. What relation has it got to this stool pigeon?

Mr. CLARDY. That is not the question. Now answer it or decline, as you wish. You have the alternative.

Mr. Fox. I believe that after I got my subpoena I decided to attend the hearings and just see what kind of a spectacle it was, and I did, I believe, attend one hearing. I believe you got pictures of that.

Mr. CLARDY. Was the witness Mikkelsen on the stand when you attended?

Mr. Fox. Not that I recall.

Mr. CLARDY. Well, we finally got it. Proceed, Mr. Tavenner.

Mr. SCHERER. No; you didn't get it.

Mr. CLARDY. Well, I got what I was after.

Mr. TAVENNER. Did you attend closed meetings of the Communist Party in Detroit at any time after January 1, 1950?

Mr. Fox. Would you please repeat that date?

Mr. TAVENNER. At any time after January 1, 1950.

Mr. Fox. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. Did you attend closed meetings of the Communist Party in Detroit at any time prior to January 1, 1950?

Mr. Fox. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. Did you attend any meeting of the Communist Party at Michigan State College?

Mr. Fox. I refuse to answer that question on the ground previously stated.

Mr. TAVENNER. Were you acquainted with a person by the name of Paul Ross Baker?

Mr. Fox. I refuse to answer that question on the ground previously stated.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. Fox. I refuse to answer that question on the ground previously stated.

Mr. TAVENNER. Have you at any time been a member of the Communist Party?

Mr. Fox. I refuse to answer that question.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Have you ever attended Communist Party meetings in the city of Lansing?

Mr. Fox. I refuse to answer that question on the grounds previously stated.

Mr. CLARDY. Are you acquainted with a Goldie Gregurek?

Mr. Fox. I refuse to answer that question on the grounds previously stated.

Mr. CLARDY. Have you ever attended a Communist Party meeting—

Mr. Fox. I refuse to answer that question.

Mr. CLARDY. At her residence? Answer the question.

Mr. Fox. I believe I have answered it sufficiently.

Mr. CLARDY. Are you declining to answer?

Mr. Fox. I am declining to answer.

Mr. CLARDY. The person who accompanied you to the hearings at Detroit was known as Goldie Gregurek, was she not?

Mr. Fox. I refuse to answer that question on the grounds previously stated.

Mr. CLARDY. Isn't it a matter of fact, witness, that you have attended frequent Communist Party meetings at the residence I mentioned in the prior question?

Mr. Fox. I refuse to answer that question or any questions of such character.

Mr. CLARDY. Any questions, Mr. Scherer?

Mr. SCHERER. How intimate was your acquaintance with Steve Nelson, the notorious Communist?

Mr. Fox. I don't quite understand what you mean by that question, sir.

Mr. SCHERER. How well did you know him?

Mr. Fox. I refuse to answer that question.

Mr. SCHERER. Isn't it a fact that you knew him very well?

Mr. Fox. I refuse to answer that question.

Mr. SCHERER. Were you present at his trial?

Mr. Fox. I refuse to answer that question.

Mr. SCHERER. Isn't it a fact that you were present at his trial?

Mr. Fox. I refuse to answer that question. I might add that Representative Scherer knows that answer very well.

Mr. CLARDY. Yes; I think you may assume that the committee does possess a considerable knowledge about you and your activities; you are right there.

Mr. Fox. I assure you there is nothing derogatory in my activities.

Mr. SCHERER. Why don't you tell us then about your associations with Steve Nelson—

Mr. Fox. I have no intention—

Mr. SCHERER (continuing). If there is nothing derogatory about them?

Mr. Fox. I don't have any intention to lend myself to this political inquisition and the campaign of Representative Clardy. I was brought here under protest, and I am still here under protest.

Mr. SCHERER. That is understood.

Mr. CLARDY. Yes, if there is anything on which there is no doubt in the committee's mind, it is on that.

Any further questions, Mr. Scherer?

Mr. SCHERER. It takes a long time to read this.

Mr. CLARDY. I don't think we will get very much more helpful information.

Mr. FOX. I am sure your police agents earned their money when they made up that dossier.

Mr. CLARDY. I didn't catch that.

Mr. FOX. I am sure that your police agents earned their money when they made up that—manufactured that piece of paper you have there.

Mr. SCHERER. Well, now, you say they manufactured it?

Mr. FOX. Yes, on the typewriter.

Mr. SCHERER. Well, let's see if they manufactured this: On August 9, 1952, didn't you attend a meeting at 1713 Clemens Street in the city of Detroit, at which Steve Nelson was present?

Mr. FOX. I refuse to answer that question on the grounds previously stated.

Mr. SCHERER. Was that manufactured by the police, as you say?

Mr. FOX. It may have been.

Mr. SCHERER. It may have been. Do you deny that you attended that meeting?

Mr. FOX. Is that a question?

Mr. SCHERER. Yes.

Mr. FOX. I refuse to answer under the fifth amendment.

Mr. SCHERER. I thought you would.

Mr. CLARDY. Any further questions?

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Witness dismissed. Call your next witness.

Mr. TAVENNER. Mr. Harold L. Shapiro, will you come forward, please, sir?

Mr. Chairman, we have not observed Mr. Shapiro, or his attorney in the hearing room this morning. Mr. Shapiro was subpoenaed for attendance at Detroit and was to testify on Friday. On Wednesday his counsel called me and made a very strong plea for the continuance of the appearance of his witness because he was out of the city and would have to make a special trip back to appear on the day on which he was subpoenaed to appear, and I agreed with counsel to transfer the witness here for today. I have heard nothing further from counsel.

Mr. SCHERER. What was counsel's name?

Mr. TAVENNER. I do not have it with me.

Mr. CLARDY. I recall your discussion with me at the time, and I also recall that the gentleman in question was under the command of a subpoena to appear at Detroit at the time that the Chair made the announcement of the change of place of appearance in response to his counsel's request. We can only hope that he will show up after lunch. If he doesn't then the committee will have to decide what action to take.

Mr. SCHERER. Did you set a time for his appearance here when he made the request for continuance?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. What time?

Mr. TAVENNER. Tuesday morning, my recollection is, 10 o'clock.

Mr. CLARDY. I made the announcement very clearly at Detroit. It is in the record. If you will recall, I repeated it so that it was on the record at least twice, and he was supposed to have been there at the

time the announcement was made because he had not been excused from his subpoena and has not and will not be excused.

Mr. TAVENNER. I suggest that the matter be passed temporarily.

Mr. CLARDY. Very well. Call your next witness.

Mr. TAVENNER. Mr. Richard Lawrence Davis, will you come forward, please, sir.

Mr. CLARDY. Hold up your right hand. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAVIS. I do.

Mr. CLARDY. I see you are accompanied by counsel. Will you identify yourself on the record?

Mr. SCHNAAR. My name is Mitchell Schnaar, of Detroit, Mich.

Mr. TAVENNER. What is your name, please, sir?

TESTIMONY OF RICHARD LAWRENCE DAVIS, ACCOMPANIED BY HIS COUNSEL, MITCHELL SCHNAAR

Mr. DAVIS. My name is Richard Lawrence Davis.

Mr. TAVENNER. When and where were you born, Mr. Davis?

Mr. DAVIS. July 20, 1911, Dawson City, Yukon Territory, Canada.

Mr. TAVENNER. When did you come to the United States?

Mr. DAVIS. I believe, sir, it was in 1927.

Mr. TAVENNER. What was the place of entry?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. It was in the State of Washington. I do not remember the specific little town.

Mr. TAVENNER. Can you give us some description of the place where you entered the United States?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. To the best of my recollection it was a small port where car ferries from—and passenger boats from Victoria, British Columbia docked.

Mr. CLARDY. Somewhere in the Puget Sound then?

Mr. DAVIS. I would imagine so, yes.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. DAVIS. Yes, I am.

Mr. TAVENNER. Under what name were you naturalized?

Mr. DAVIS. My name is Richard Lawrence Davis.

Mr. TAVENNER. But you have not exactly answered my question. Under what name were you naturalized?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Mr. Chairman, I suggest the witness be directed to answer the question.

Mr. CLARDY. Yes. I do direct that you answer that.

Mr. DAVIS. I refuse to answer on my privilege under the fifth amendment.

Mr. CLARDY. Witness, you appreciate all we are asking for is the name that must be entered in official documents of your Government, the name under which you were naturalized.

Now, I think I should point out that nothing beyond that is involved in that question, and your refusal to answer, in the opinion of the committee, is clearly not protected by the fifth amendment.

Mr. DAVIS. This may be your opinion, Congressman—

Mr. CLARDY. It surely is.

Mr. DAVIS. But I would refuse to answer under my privilege under the fifth amendment.

Mr. SCHERER. Let us get at it—

Mr. CLARDY. Ask him the name. We have the information. Let us get at it directly, Mr. Tavenner.

Mr. TAVENNER. When were you naturalized and where?

Mr. DAVIS. I was naturalized March 10, 1944, in the United States District Court in Louisville, Ky.

Mr. TAVENNER. What was the name under which you were born?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. CLARDY. I direct that you answer the question.

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. When was your name changed legally by action of court?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. On advice of counsel, at the same time that I received citizenship, my name was acknowledged as Richard Lawrence Davis.

Mr. CLARDY. Our questions have been with respect to what it was prior to that.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. CLARDY. We realize, and we know, of course, and you do too—

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. CLARDY. Pardon me a minute. I want to tell you what I am getting at here. We know the several names under which you have gone, and we are trying to trace them. We are giving you the opportunity to tell us about it and to explain the circumstances. No effort is being made to cast any aspersions on you at all, but you must have entered your correct name under which you were born or one of the other names at the time you were naturalized, and we are seeking to find that out.

Mr. DAVIS. My legal and correct name is Richard Lawrence Davis, and any additional information in that respect I will refuse to answer on my privilege under the fifth amendment.

Mr. CLARDY. Let me put it to you this way: Were you naturalized under the name with which you were ushered into this life?

Mr. DAVIS. I think I have made it rather clear that at the time of my naturalization I was naturalized as Richard Lawrence Davis.

Mr. CLARDY. Well, you haven't answered the question, so I direct that you do so.

Mr. DAVIS. I refuse to answer under my privilege under the fifth amendment.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. Prior to the action of the court in changing your name to Richard Lawrence Davis, was your correct name Hedley Yukon Jones, Hedley Yukon Jones?

Mr. DAVIS. I will refuse to answer that question on my privilege under the fifth amendment.

Mr. SCHERER. Well, you used that name, didn't you?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment, Congressman.

Mr. CLARDY. Wasn't that the name with which you were christened? (At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I answer that question the same as before under my privilege under the fifth amendment.

Mr. CLARDY. Proceed.

Mr. TAVENNER. Was your correct name Hedley Jones?

Mr. DAVIS. Same answer to that question.

Mr. TAVENNER. What was the date on which you entered the United States?

Mr. DAVIS. To the best of my recollection some place in 1927.

Mr. TAVENNER. Where did you go on your arrival in this country from 1927?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I would refuse to answer that question on my privilege under the fifth amendment.

Mr. CLARDY. Oh, I must direct you to answer that question.

Mr. DAVIS. I will answer the same way.

Mr. TAVENNER. Where have you resided since 1927?

Mr. DAVIS. In the United States of America.

Mr. TAVENNER. In the United States. I say where have you resided in the United States since your arrival in this country.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I will refuse to answer that question on my privilege under the fifth amendment.

Mr. CLARDY. You are directed to answer, witness.

Mr. DAVIS. I will give the same answer. I refuse to answer under the fifth amendment.

Mr. CLARDY. Did you ever live in the State of California?

Mr. DAVIS. I refuse to answer that question on my privilege under the fifth amendment.

Mr. CLARDY. Proceed.

Mr. TAVENNER. Mr. Davis, I have before me the record of arrest by the police department in Oakland, Calif., of a person by the name of Hedley Jones, January 30, 1939, on a charge of reckless driving. Were you the subject of that arrest?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. Were you in Oakland, Calif., in January 1939?

Mr. DAVIS. I refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. Isn't it a fact that at the time that you were arrested on a charge of reckless driving in Oakland, Calif., in January 1939, there was found on your person a Young Communist League book made out in the name of Roy McCoy?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I refuse to answer that question on the first and fourth amendment and on my privilege under the fifth amendment.

Mr. SCHERER. Isn't it a fact that Roy McCoy was your Communist Party name?

Mr. DAVIS. I give the same answer.

Mr. CLARDY. Did you ever use that name at any time?

Mr. DAVIS. I refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Is it not also a fact that there was found in the car in which you were driving at the time of your arrest literature, pamphlets, and documents, emanating from the Communist Party?

Mr. DAVIS. I would refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. I would like at this time to go back to a period earlier than 1939. Did you live in southern California as early as 1935?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment to the Constitution.

Mr. TAVENNER. Were you acquainted with a person by the name of Harold Ashe?

Mr. DAVIS. I didn't get—

Mr. TAVENNER. Harold Ashe was a Communist Party organizer and a member of the State committee of the Communist Party for California.

Mr. DAVIS. I refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Were you acquainted with Max Silver, organizer for Los Angeles County; that is, organizer of the Communist Party?

Mr. DAVIS. What was the first—

Mr. TAVENNER. Max Silver.

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Were you, in 1935, the county organizational secretary of the Young Communist League in Los Angeles, Calif.

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment to the Constitution.

Mr. CLARDY. May I inquire? At that time were you not then using the name Roy McCoy?

Mr. DAVIS. I will refuse to answer that question on my privilege under the fifth amendment.

Mr. SCHERER. Were you using the name Hedley Patterson at that time?

Mr. DAVIS. I refuse to answer that question on my privilege under the fifth amendment.

Mr. SCHERER. When did you use the name Hedley Patterson?

Mr. DAVIS. I refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. Did you become acquainted with Lou Rosser at any time?

Mr. DAVIS. Perhaps you could identify this person.

Mr. TAVENNER. Yes. Lou Rosser was a Negro in Los Angeles who became the head of the Young Communist League for the State of California and became a member of the national committee of the Young Communist League.

Mr. DAVIS. I refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. In 1937 were you the administrative and executive secretary of the Young Communist League in Los Angeles?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment to the Constitution.

Mr. TAVENNER. In 1939 were you a member of the State committee of the Young Communist League for the State of California?

Mr. DAVIS. I will refuse to answer on my privilege of the fifth amendment.

Mr. TAVENNER. Did you enter the Armed Forces of the United States shortly after January 30, 1939?

Mr. DAVIS. I—

Mr. SCHERER. Wait a minute.

Mr. DAVIS. I volunteered for the Army.

Mr. TAVENNER. When?

Mr. DAVIS. If I am not mistaken—I will have to look it up here—September 9, 1942.

Mr. CLARDY. Was that at Detroit?

Mr. DAVIS. In Michigan; yes, Detroit.

Mr. TAVENNER. May I see it, please?

Mr. DAVIS. No.

Mr. TAVENNER. Why?

Mr. DAVIS. This is my personal record.

Mr. TAVENNER. It gives your correct name, does it not, in 1942?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. It gives—

(At this point Mr. Davis conferred with Mr. Schnaar.)

(At this point the witness took a billfold from his pocket and produced a card which he used in deciding upon his course of action.)

Mr. DAVIS. I refuse to answer on my privilege under the fifth amendment.

Mr. CLARDY. Now, witness, you voluntarily produced that card from your pocket.

Mr. DAVIS. I have other cards here.

Mr. CLARDY. And have referred to it. I have watched it throughout the time you had it in your hand. The Chair commands that you permit counsel for the committee to examine it. You may retain it in your possession if you wish, but the counsel be given an opportunity to inspect it.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. CLARDY. You have no longer any protection of any amendment to the Constitution with respect to the contents of that card, having voluntarily chosen to refer to it and to use it as the basis for your testimony.

Mr. Tavenner, I ask you step over to the—

Mr. DAVIS. You want to inspect my wallet?

Mr. CLARDY. Over to the desk and take a look at it.

Mr. TAVENNER. No, just the card.

Mr. CLARDY. We do not ask that you hand it to him.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I don't think this is any of your business, Congressman, or the counsel.

Mr. CLARDY. You are commanded to let him examine it and keep it in your possession, if you desire.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I refuse to comply with the request under my privilege of the fifth amendment.

Mr. SCHNAAR. May we have access to the notes of counsel?

Mr. CLARDY. You may not address the chair. You may not address the chair, sir. That is the rule, and you must know it.

Mr. SCHNAAR. But you must understand my reason for my making the request.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. CLARDY. Proceed, Mr. Tavenner. Let the record clearly show at this time that you physically stepped over behind counsel and the witness and that they covered up the card by returning it to the pocket-book and refusing to permit you to see it. Is that not a correct statement of fact?

Mr. TAVENNER. That is exactly what happened.

Mr. DAVIS. Congressman Clardy—

Mr. CLARDY. I want to make the record absolutely clear at this point.

Mr. DAVIS. I wonder, Congressman Clardy, if my attorney may inspect the records that counsel has.

Mr. CLARDY. You, sir, are here to answer questions, and we do not at any time permit the witness to take over and conduct the proceeding.

Now, you have refused, and we have made the record—

Mr. DAVIS. I didn't request that I take over the proceedings. I only asked a simple request similar to the one you asked, and that is that my counsel inspect the kind of information they have.

Mr. CLARDY. You are going to hear it all before the hearing is over, sir, a piece at a time, because we have a most voluminous record concerning your activities and your connections, but that part, sir, would have revealed one of the facts or proved one of the facts on which we have other evidence.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. DAVIS. My counsel advises me that legally you haven't a leg to stand on in demanding to see my notes and records.

Mr. CLARDY. Well, your attorney is entitled to advise you as he sees fit, and at your own peril you may follow that advice. We are not going to physically take the card from you, but again I must emphasize, it is your responsibility and your risk, not ours. We have done our best. We shall do no more.

Proceed, Mr. Tavenner.

Mr. TAVENNER. How long was it after 1942 that you were naturalized?

Mr. DAVIS. I believe I answered that question previously. The date of my naturalization, as I understand it, is March 10, 1944.

Mr. TAVENNER. Was that while you were in the Armed Forces of the United States?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. Yes.

Mr. TAVENNER. That was by virtue of a special law relating to the naturalization of persons in the Armed Forces of the United States; was it not?

Mr. DAVIS. I do not know for sure whether the law applied in that case.

Mr. CLARDY. Mr. Tavenner, I will let you ask the series of questions, but inquire as to when the application was made. I want you to demonstrate that the usual waiting period was not present in this case.

Mr. TAVENNER. Under the procedure followed by persons in the Armed Forces, the method of naturalization was cut very short; was it not?

Mr. DAVIS. You are asking me for legal interpretations of the law. I don't feel that I am qualified or able to.

Mr. TAVENNER. No, I don't intend to do that. Let me change the question. You were not required to have a waiting period that was applicable to persons generally in making applications for naturalization?

Mr. DAVIS. Perhaps if the counsel would explain to me what you mean by waiting period, I might be able to answer your question,

Mr. CLARDY. You are familiar, aren't you, generally with the fact that normally an application has to be filed and some 5 years have to elapse before the court will take the final step?

Mr. DAVIS. Thank you for the information, that is what I wanted to know.

Mr. CLARDY. Did you know that?

Mr. DAVIS. I didn't wait 5 years to have my citizenship granted to me upon application.

Mr. CLARDY. What we are trying to get at is: How long did you wait?

Mr. DAVIS. I don't really know.

Mr. CLARDY. It was a very short period, wasn't it?

Mr. DAVIS. It depends on what is short and what is long.

Mr. SCHERER. How long was it?

Mr. DAVIS. I don't know. I mean, it was after I came in the Army and made application in 1944.

Mr. CLARDY. How long were you in the Army before you made application?

Mr. DAVIS. As far as I know, I requested my citizenship be granted to me shortly after joining the Army.

Mr. CLARDY. That was in 1942?

Mr. DAVIS. Yes, it could be in 1942.

Mr. CLARDY. It is your recollection you were naturalized sometime in 1944?

Mr. DAVIS. That is right.

Mr. TAVENNER. At the time you filed your application or at any time prior to the granting of your naturalization, did you inform the Immigration and Naturalization Service or the court that you had been a member of the Communist Party or the Young Communist League?

Mr. DAVIS. I will refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. As a matter of fact, you did not advise them of that; isn't that true?

Mr. DAVIS. I will refuse to answer that question on my privilege under the fifth amendment.

Mr. SCHERER. You didn't even tell them your right name; did you?

Mr. DAVIS. Have you stopped beating your wife, Congressman—answer yes or no. I refuse to answer that question under my privilege under the fifth amendment.

Mr. SCHERER. The fact is that the name which appears on that card you refused to show us is different from the name that you used when you made application for naturalization; is it not?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. Congressman, I imagine you are speaking for the candidate Clardy here. I am willing to give all of my notes that I have on my person here if you in exchange will give all the notes you have on me.

Mr. CLARDY. I have already explained to you that you are going to discover a great many things that we know before this proceeding is over. It will extend well into the afternoon.

Mr. SCHERER. Now I ask that you direct the witness to answer my question.

Mr. CLARDY. I so do direct.

Mr. DAVIS. For my recollection I wonder if the reporter would repeat the question, please.

Mr. SCHERER. Will you read my last question?

Mr. CLARDY. Witness, you don't mean to tell me you declined to answer the question without knowing what it was, do you? It would appear so.

Mr. DAVIS. As far as I understand, I may have declined it. I would like to hear the question.

Mr. CLARDY. Proceed to read the question, Miss Reporter.

(The question was read by the reporter as follows:)

The fact is that the name which appears on that card you refused to show us is different from the name that you used when you made application for naturalization, is it not?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. CLARDY. Well, was it a name totally different from that first given to you after your birth?

Mr. DAVIS. I have stated for the record my name is Richard Lawrence Davis.

Mr. CLARDY. No, you are not answering the question, Witness. Answer the question.

Mr. DAVIS. I refuse to answer on my privilege under the fifth amendment.

Mr. CLARDY. Proceed, Mr. Tavener.

Mr. TAVENER. At the time you filed your application for citizenship and at the time you were admitted to citizenship did you know that there was out and in existence a warrant of arrest for you, charging that you were an alien affiliated with an organization advocating the overthrow of the United States Government by force?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I am not quite sure whether you are testifying or I am, but my answer will be, I refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Where did you reside between 1939 and 1942, the date on which you went into the United States Army?

Mr. DAVIS. I wonder if you would clarify that a little more.

Mr. TAVENNER. Where did you reside between January 30, 1939, and the date in 1942 when you went into the Armed Forces of the United States?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Where did you volunteer to enter the armed services?

Mr. DAVIS. Detroit, Mich.

Mr. TAVENNER. How long had you been in Detroit before you volunteered?

Mr. DAVIS. Possibly a year and a half.

Mr. TAVENNER. How were you employed in Detroit?

Mr. DAVIS. Are you asking my employment or my occupation?

Mr. CLARDY. Well, did you work at your occupation? Is there a distinction?

Mr. DAVIS. There may be.

Mr. CLARDY. Well, suppose you tell us both sides of that.

Mr. DAVIS. Which one do you want?

Mr. CLARDY. Both. . .

Mr. DAVIS. Which one first?

Mr. CLARDY. Either way.

Mr. DAVIS. I am proud of my occupation. I have never been fired. I am a salesman.

Mr. CLARDY. Now, will you give us the balance of it? You haven't answered the question.

Mr. DAVIS. Last week—this is on employment, that is the question you want, right? Last week 6 or 7 witnesses were fired as a result of this committee's unfair, un-American, and illegal questions. I will refuse to answer under the first, fourth amendments, and basically on my privilege under the fifth amendment.

Mr. SCHERER. That is a nice statement for a person who obtained his naturalization by fraud.

Mr. DAVIS. That may be your opinion.

Mr. CLARDY. Well, it may be the opinion of the Government of the United States, sir, as you may discover in due course.

Mr. DAVIS. Are you threatening me, Congressman?

Mr. CLARDY. I am making no threats at all. You are here to answer questions. What may eventuate is beyond our power to either stop or accelerate. Proceed.

Mr. TAVENNER. I understand you left the Armed Forces about 1946, is that correct?

Mr. DAVIS. Approximately that date, yes.

Mr. TAVENNER. Did you again take up your residence in Detroit on your release from the armed services?

Mr. DAVIS. Yes.

Mr. TAVENNER. Have you lived there constantly since 1946?

Mr. DAVIS. Lived where?

Mr. TAVENNER. In Detroit.

Mr. DAVIS. Yes.

Mr. TAVENNER. What has been your occupation and employment?

Mr. DAVIS. I answered that question.

Mr. CLARDY. Well, answer it again.

Mr. DAVIS. The same way, Congressman?

Mr. CLARDY. Answer the question.

Mr. DAVIS. I am salesman.

Mr. CLARDY. That I don't think quite covers the entire question.

Will you read it to him again, Miss Reporter?

(The question was read by the reporter as follows:)

What has been your occupation and employment?

Mr. CLARDY. Are you intending to cover the entire period about which we have been inquiring when you say—

Mr. DAVIS. Possibly I didn't understand the counsel's question completely. Are you attempting to ascertain the nature of my employment from the time I was discharged from the Army?

Mr. TAVENNER. Yes, that is my first question. I propose to ask you others.

Mr. CLARDY. Now by your answer did you intend to reply to that kind of a question?

Mr. DAVIS. I am a salesman from the period of discharge from the Army to date.

Mr. DAVIS. I will refuse to answer under the first and fourth amendments and basically on my privilege under the fifth amendment.

Mr. SCHERER. Were you engaged in some illegal enterprise?

Mr. DAVIS. Are you asking me a question?

Mr. SCHERER. Yes, that is a question. For a man who has been so clever in obtaining naturalization by fraud, you certainly can't understand simple questions or pretend not to understand them. Will you direct him to answer my question—

Mr. CLARDY. Yes, I do direct him.

Mr. DAVIS. I didn't hear. You were interfering—

Mr. CLARDY. I will paraphrase it. The question, is, By whom were you first employed when you left the armed services?

Mr. DAVIS. I will refuse to answer under the first and fourth amendments and basically on my privilege under the fifth amendment.

Mr. SCHERER. By whom then were you employed after you severed your connection with your first employer?

Mr. DAVIS. I didn't say either way, did I? Or are you inferring something?

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. CLARDY. I so direct.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. Congressman Clardy, is that question—

Mr. CLARDY. I didn't ask the question.

Mr. DAVIS. Material to the purposes of this investigation?

Mr. CLARDY. Yes, or it wouldn't have been asked, and I direct you to answer.

Mr. SCHERER. For a person with your record, it is very material.

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I will refuse to answer under the first and fourth amendments to the Constitution and basically on my privilege under the fifth amendment.

Mr. SCHERER. Give us the names of your employers since you got out of the Army in 1946.

Mr. DAVIS. I will refuse to answer under the first and fourth amendments and basically on the fifth amendment.

Mr. SCHERER. Go ahead, Mr. Counsel.

Mr. TAVENNER. Are you now employed by Mr. Robert Rowson?

Mr. DAVIS. I will refuse to answer on the first and fourth and basically on the fifth.

Mr. TAVENNER. During the hearings which were conducted in Detroit in 1952 by this committee, Mrs. Bereniece Baldwin appeared as a witness, and at that time identified you as a member of the Communist Party in Detroit. Was she correct in her identification?

Mr. DAVIS. I refuse to answer under my privilege under the fifth amendment.

Mr. TAVENNER. Have you been a member of the Communist Party at any time from 1946 until February 1952 when Mrs. Baldwin testified before this committee?

Mr. DAVIS. I will refuse to answer under my privilege under the fifth amendment.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. DAVIS. I will refuse to answer under my privilege under the fifth amendment.

Mr. TAVENNER. Were you not a member of the Communist Party of the United States when you entered into the Armed Forces of the United States?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Has the Bureau of Immigration and Naturalization Service interviewed you regarding the manner by which you obtained your naturalization since the date you were naturalized in 1944?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Have you consistently engaged in the work of the Communist Party since you have been in Detroit in addition to being a member of the party?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Did you engage in work of the Civil Rights Congress in 1951?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. After your return to Detroit in 1946 did you become the section organizer of the east side section of district 7 of the Communist Party?

Mr. DAVIS. I will refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. Did you also in 1948 become a member of the executive board of the lower east side section of district 7 of the Communist Party?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. In 1948 were you a member of the Michigan State committee of the seventh district of the Communist Party?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Did you become its financial secretary in 1948?

Mr. DAVIS. I will refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. In 1949 were you active in the sense that that you became a member of the educational committee of the Communist Party?

Mr. DAVIS. I will refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. Were you chairman of the Oakland Communist club in 1949?

Mr. DAVIS. I refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. In 1950 did you become organizer of the New Haven Communist club, district 7, of the Communist Party?

Mr. DAVIS. I will refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. In 1935 did you attend the Communist Party school at Los Angeles?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. I refuse to answer on my privilege under the fifth amendment.

Mr. TAVENNER. Were you selected by the Communist Party to attend a national training school in New York during the year 1937?

Mr. DAVIS. I will refuse to answer under my privilege under the fifth amendment.

Mr. TAVENNER. And did you attend that school?

Mr. CLARDY. Go ahead and answer that question.

Mr. DAVIS. I refuse to answer that question, too.

Mr. CLARDY. Mr. Tavenner, I think it might be well at this point for a word of explanation about that New York Communist Party school. Will you put it in the record at this juncture?

Mr. TAVENNER. The Communist Party school that was conducted in New York in 1937 and other years was a school made up of persons selected from the various districts in the United States; that is, districts of the Communist Party. They attended that school. Their names were usually given only by first names. It was an advanced course and training. It was conducted by leaders of the Communist Party in this country.

Mr. SCHIERER. Weren't some of them trained in Russia?

Mr. TAVENNER. I am not certain that the teachers at any given time were; I am not certain of that.

Mr. CLARDY. Well, the training included everything the Communists teach, including the use of sabotage and everything that goes with it.

Mr. TAVENNER. It included the method by which demonstrations were to be conducted. It included the entire policy and theory of the party as well as the—

Mr. CLARDY. I think I should interrupt to say that these things we are inquiring about of you, sir, are matters on which we do have evidence, and we are going down the list as you requested and calling each thing to your attention—

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. CLARDY. So that there will be no doubt in your minds as to what the committee does possess.

Mr. Tavenner, because we have reached the hour of 12 o'clock—

Mr. DAVIS. I want to know if this is evidence of crimes that I am supposed to have—

Mr. CLARDY. We will suspend at this time until 1:30.

(Thereupon, at 12:03 p. m., the hearing was recessed, to reconvene at 1:30 p. m. of the same day.)

AFTERNOON SESSION

(At the hour of 1:32 p. m. of the same day, the proceedings were resumed, Representatives Kit Clardy (acting chairman) and Gordon H. Scherer being present.)

Mr. CLARDY. The committee will be in session.

The witness will resume the stand. Proceed.

TESTIMONY OF RICHARD LAWRENCE DAVIS, ACCCOMPANIED BY HIS COUNSEL, MITCHELL SCHNAAR—Resumed

Mr. TAVENNER. Mr. Davis, during the course of the hearings in Detroit there was introduced in evidence a document which the committee had recently acquired. This document was a resolution from the State level of the Communist Party in the State of Michigan directing the various sections of the Communist Party as to how it should proceed in the educational work and in the planning of the work of the Communist Party in the State of Michigan. One of the matters upon which great emphasis was placed was additional education of the members of the Communist Party through various schools. One school in particular which was emphasized in the document was the Michigan School of Social Science. Did you attend the Michigan School of Social Science in the year of 1949?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. DAVIS. Mr. Tavenner, I will answer that question, but first I wonder if I would have permission to make a correction on the record of part of the testimony I made this morning.

Mr. TAVENNER. Will you answer the question first and then proceed to make the correction?

(At this point Mr. Davis conferred with Mr. Schnaar.)

Mr. CLARDY. Yes, if you answer this question, and you desire to correct something you have said this morning, we will permit that correction.

Mr. DAVIS. All right. I refuse to answer that question on my privilege under the fifth amendment.

Mr. CLARDY. Well, now, while you didn't answer the question, we still will permit you to make the correction.

Mr. DAVIS. I understand, or I remember the question something to the effect that after my discharge—and may I say honorable discharge—from the Army in 1946, the question was, have I resided in

Detroit since that time. I would like to state that the bulk of the time I did reside, but for a short few months in possibly 1948 and 1949, I commuted to work in Detroit from out of the city of Detroit.

Mr. CLARDY. Is that the extent of the change?

Mr. DAVIS. That is the question I wanted answered; yes.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. During the period of time that you did have your residence in the city of Detroit after your return from the armed services, did you reside at 320 East Milwaukee Street?

Mr. DAVIS. I decline—I refuse to answer that question on my privilege under the fifth amendment.

Mr. CLARDY. I direct that you answer that question.

Mr. DAVIS. Congressman Clardy, I will refuse to answer that question on my privilege under the fifth amendment.

Mr. TAVENNER. Were you acquainted with Verna McAllister in the city of Detroit while you were a resident there?

Mr. DAVIS. I refuse to answer that question.

Mr. TAVENNER. Verna McAllister. The committee is advised that there was a State Communist Party convention held in January, in fact, January 24 and 25, 1948, at 2934 Yemans in Hamtramck. Were you in attendance at that convention?

Mr. DAVIS. I refuse to answer as before for the same reason.

Mr. TAVENNER. The committee is also advised that there was a Communist Party State organizational conference held at 2705 Joy Road, April 21 and 22, 1950. Were you in attendance at that organizational conference?

Mr. DAVIS. I will refuse to answer that question for the same reason given.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Mr. Scherer

Mr. SCHERER. I only have this comment, that immediately upon my return to Washington I am going to write the Attorney General and urge that immediate action be taken toward the denaturalization and eventual deportation of this witness. I feel that the committee has ample evidence in its possession at this time to warrant such action.

Mr. CLARDY. And to supplement the statement made by Congressman Scherer, I beg to inform you, witness, that it will be the action not alone of Congressman Scherer, but of the subcommittee. We shall ask the Attorney General to take immediate action to refer the matter forthwith to the proper bureau of immigration, and we shall inform the Attorney General that this committee has in its files ample and sufficient evidence to warrant the action we shall recommend, and we shall make all of that material in evidence available to the Attorney General for the use in the proceedings we shall most strongly recommend.

Now I will add a personal word to that. From the evidence that the committee has in its files it is plainly apparent to me that you have used not only the aliases that we have thus far mentioned, but several others, and that you have obtained the highest privilege on earth, that of becoming a citizen of the United States of America, through the use of fraud and deception, and that you should not be longer permitted to remain within the borders of this country, and I assure you I shall do all within my power to see to it that the authority to whom the responsibility of removing you from our midst is

confined moves promptly and moves effectively. Witness dismissed.

Mr. DAVIS. May I make a statement? You said—

Mr. CLARDY. Call the next witness.

Mr. DAVIS. You said the evidence—

Mr. CLARDY. The witness is dismissed. Call the next witness.

Mr. TAVENNER. Harold L. Shapiro. Will you come forward, please, Mr. Shapiro?

Mr. CLARDY. Hold up your right hand. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHAPIRO. I do.

Mr. CLARDY. You may be seated. I see you are accompanied by counsel. Will counsel identify himself for the record, please?

Mr. MAKI. E. William Maki, Detroit, Mich.

Mr. TAVENNER. What is your name, please, sir?

TESTIMONY OF HAROLD L. SHAPIRO, ACCCOMPANIED BY HIS COUNSEL, E. WILLIAM MAKI

Mr. SHAPIRO. Harold L. Shapiro.

Mr. TAVENNER. When and where were you born?

Mr. SHAPIRO. I was born on December 19, 1915, in a small farming community in upstate New York.

Mr. TAVENNER. Where do you now reside?

Mr. SHAPIRO. At 2334 Elmhurst, Detroit.

Mr. TAVENNER. How long have you lived in Detroit?

Mr. SHAPIRO. Almost 10 years.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. SHAPIRO. I am a graduate of Jeffersonville High School, and I attended one term of the College of the City of New York.

Mr. TAVENNER. What is your trade or occupation?

Mr. SHAPIRO. I am a union organizer.

Mr. TAVENNER. How long have you been a union organizer?

Mr. SHAPIRO. Off and on since 1939, I believe.

Mr. TAVENNER. Are you an organizer for the Fur and Leather Workers?

Mr. SHAPIRO. The International Fur and Leather Workers Union of the United States and Canada.

Mr. TAVENNER. During the last period of your occupancy of that position, or rather, I mean to ask you what has been the last period of your occupancy of that position.

Mr. SHAPIRO. Since September 1944.

Mr. TAVENNER. Have you held that position continuously since 1944?

Mr. SHAPIRO. I have.

Mr. TAVENNER. Have you held any other position within your union during that period of time?

Mr. SHAPIRO. No, that is my only designation within the union.

Mr. TAVENNER. Have you at any time been State director, occupied a position entitled "State director"?

Mr. SHAPIRO. There is no such position, Mr. Tavenner.

Mr. TAVENNER. There is not?

Mr. SHAPIRO. May I clarify that?

Mr. TAVENNER. Yes, sir

Mr. SHAPIRO. I am the only organizer for our union in the State of Michigan. Therefore, I may be termed a State director for the—if you so choose to term it.

Mr. CLARDY. You are both the general and the private in that, are you?

Mr. SHAPIRO. That is about right.

Mr. TAVENNER. Do you know whether Mr. Abe Feinglass, F-e-i-n-g-l-a-s-s, holds a position with your union, the Fur and Leather Workers?

Mr. SHAPIRO. Is that a relevant question to this hearing?

Mr. TAVENNER. Yes, sir; yes, sir, it is. Let me explain to you the relevance if there is a question in your mind.

Mr. SHAPIRO. All right.

Mr. TAVENNER. This committee is undertaking to study matters relating to the enforcement of the non-Communist affidavit provisions of the Taft-Hartley Act. It has a bill assigned to it now for the consideration of that subject, and it is that particular that I want to ask you the question.

Mr. CLARDY. The bill was presented by the committee; in other words, it is a committee bill on which we are working at the present time.

Mr. SHAPIRO. Mr. Feinglass appeared before your committee, chaired by Congressman Velde, in Washington a month ago, approximately a month ago. I think that any information that they required they received from him at that hearing. I can see no relevance to asking me questions about my district director.

Mr. CLARDY. The Chair directs that you answer it, whether you see the relevancy or not. We deem it so.

(At this point Mr. Shapiro conferred with Mr. Maki.)

Mr. SHAPIRO. My counsel advises me that my answering this question may tend to lead me into further questions regarding the inner workings of our organization, which is not the proper business of this committee; it is the business of nobody but our membership. We certainly don't intend to expose it to the antiunion employers with whom we deal and who may take advantage of that situation to destroy the conditions of our members. It is on that basis that I feel your question is improper.

Mr. CLARDY. Witness, we are not interested in the union as such, but we are definitely interested in the question of Communist infiltration into the union or unions, and it is relevant. You refuse to answer at your own risk. I understand you have refused, is that correct?

Mr. SHAPIRO. Will you repeat your question?

Mr. TAVENNER. The question was whether or not Mr. Abe Feinglass was an official of the Fur and Leather Workers Union.

Mr. SHAPIRO. I still feel the question is improper, Mr. Counsel. It is public knowledge that Mr. Feinglass is the district director of our union in district 4.

Mr. TAVENNER. When did he become—

Mr. SHAPIRO. But your question is improper.

Mr. TAVENNER. When did he become district director?

Mr. SHAPIRO. Oh, I don't know that.

(At this point Mr. Shapiro conferred with Mr. Maki.)

Mr. CLARDY. Witness, so we may expedite this, I wish you would refrain from advising the committee on its powers and duties. You may refuse to answer or answer as you see fit, and you may state your reasons for refusing to answer, but we are not seeking any advice or counsel from you as to how we should conduct the hearing.

Now, if you will stick to that general ruling, I think we will get along famously and much faster.

(At this point Mr. Shapiro conferred with Mr. Maki).

Mr. CLARDY. Proceed.

Mr. SHAPIRO. I have answered your question, haven't I, counsel?

Mr. TAVENNER. Are you asking that the question be repeated? I didn't hear you.

Mr. SHAPIRO. I don't know. What is your last question?

Mr. TAVENNER. Will you read the question again, please? I think I can state it more quickly. What position, if any, did Mr. Feinglass hold in your union?

Mr. SHAPIRO. You say did he hold?

Mr. TAVENNER. Or does he hold, let us put it that way.

Mr. SHAPIRO. He is director of district 4.

Mr. TAVENNER. Was he also vice president of your union?

Mr. SHAPIRO. He is not vice president. We have no—

Mr. TAVENNER. Was he a vice president?

Mr. SHAPIRO. Not to my knowledge.

Mr. TAVENNER. What other position did Mr. Feinglass hold besides that of director?

Mr. SHAPIRO. I know of no other position. I know of no other position.

Mr. TAVENNER. What State or States are included in district 4 of your union?

Mr. SHAPIRO. I am not an official of district 4, Mr. Tavenner. I have no knowledge—no direct knowledge, by virtue of my position as an organizer in the State of Michigan of the operation of the district as such.

Mr. TAVENNER. Is district 4 Mr. Feinglass' district?

Mr. SHAPIRO. It is.

Mr. TAVENNER. What territory is included within your district?

Mr. SHAPIRO. State of Michigan.

Mr. TAVENNER. What is the number of the district? Does it have a number?

Mr. SHAPIRO. No. It is included within district 4.

Mr. TAVENNER. Is that so? Well, then, is Mr. Feinglass your superior?

Mr. SHAPIRO. In a manner of speaking he would be. Actually I am employed directly by the international union.

Mr. TAVENNER. But you are accountable to him, are you not, as the superior in the chain of command?

Mr. SHAPIRO. Not directly.

Mr. TAVENNER. Not directly?

Mr. SHAPIRO. No.

Mr. TAVENNER. Well, will you explain what the connection is?

Mr. SHAPIRO. The district is a mechanism for the purpose of coordinating the activities of the union on a geographical basis. It is not a union organization in the sense that it negotiates contracts, conducts organizational activity, or any of the other activities of a union. It

is merely a coordinating body. Every local is independent, operates under its own bylaws, and acts only in conformity with their constitution and bylaws and that of the international union.

Mr. TAVENNER. Will you explain briefly what your duties are as organizer?

Mr. SHAPIRO. As an organizer for our union my duties consist of negotiating contracts, organizing shops, servicing the membership on grievances, conducting arbitrations, preparing them, preparing educational activities relating to the labor movement, and such sundry other activities which are common to the trade-union movement.

Mr. TAVENNER. What are Mr. Feinglass' duties as director of his—

Mr. SHAPIRO. Mr. Tavenner, I am not in a position to define Mr. Feinglass' duties.

Mr. TAVENNER. Well, are they substantially the same as yours?

Mr. SHAPIRO. I wouldn't say so. I don't know.

Mr. SCHERER. You mean you don't know what Feinglass' activities are, or duties are?

Mr. SHAPIRO. I think you are Congressman Scherer.

Mr. SCHERER. I think so.

Mr. SHAPIRO. I haven't got my glasses on. Yes. I am not in a position to say, Congressman Scherer, what the duties of Mr. Feinglass are.

Mr. SCHERER. Whether you are in a position or not, do you know what his duties are?

Mr. SHAPIRO. I know in a very general manner what the duties and activities of a district director are supposed to be.

Mr. SCHERER. Then tell us about them.

Mr. SHAPIRO. I have no close acquaintance with Mr. Feinglass' duties or responsibilities, and I am not in a position to tell you about them.

Mr. SCHERER. I ask that you direct him to tell us the general duties of—

Mr. CLARDY. Yes, give us the information as far as you possess it. You indicate you have some information of a general nature. Now, let us hear that.

Mr. SHAPIRO. I will have to repeat what I said before, Congressman, that the purpose of the Midwest district or of any district within our union is that of a coordinating body, and Mr. Feinglass as director of this district is the one who directs that coordination.

Mr. CLARDY. He gives orders to people such as yourself and others?

Mr. SHAPIRO. No, nobody gives orders in our union except the membership.

Mr. CLARDY. Well, do you give any orders to anybody?

Mr. SHAPIRO. I certainly do not. My membership gives me orders.

Mr. CLARDY. You are merely the messenger boy for the membership then.

Mr. SHAPIRO. I am their representative, there for the purpose of carrying out their will and their desires.

Mr. CLARDY. As you interpret it.

Mr. SHAPIRO. As they interpret it for me.

Mr. CLARDY. You use no independent judgment at all, then, I take it.

Mr. SHAPIRO. I sometimes have the temerity to exercise my judgment and give them what I think may be my proper thinking on the subject, and they accept it or decline it as they choose.

Mr. CLARDY. We are getting nowhere fast, Mr. Tavenner. Will you go ahead?

Mr. TAVENNER. Are you required under the law to execute a non-Communist affidavit?

Mr. SHAPIRO. No, I am not.

Mr. TAVENNER. As an official of your union?

Mr. SHAPIRO. No, I am not.

Mr. TAVENNER. Is Mr. Feinglass required to file such an affidavit?

Mr. SHAPIRO. I don't think so.

Mr. CLARDY. Well, I am impelled to ask then, is there anyone in your organization who must do that in order to have the benefit and advantage of the law?

Mr. SHAPIRO. I might question the benefit and advantages of the Taft-Hartley law.

Mr. CLARDY. Let us suppose you have, but you understand my question.

Mr. SHAPIRO. Yes, I understand it, and I will answer it. The officers of our union who are required to sign the non-Communist affidavit are the same as those for any labor organization which wishes to use the questionable benefits of the Taft-Hartley Act or the National Labor Relations Board. These are the national officers of the international union plus all of the officers of any particular local which desire to avail themselves of the so-called questionable benefits.

Mr. CLARDY. Would that bring you into the picture somewhere along the way?

Mr. SHAPIRO. No, it would not.

Mr. CLARDY. Because you are not occupying either of the positions at either extreme that you have mentioned.

Mr. SHAPIRO. That is correct.

Mr. CLARDY. Is my memory playing me false? Didn't your organization represent to the Congress that you did not want any changes made in the Taft-Hartley law?

Mr. SHAPIRO. I think your memory is playing you false.

Mr. CLARDY. Well, do you know?

Mr. SHAPIRO. I don't know for sure, but I think you are probably wrong.

Mr. CLARDY. I don't think I am, but it is possible that I could be because I hadn't thought too much about it.

Proceed.

Mr. TAVENNER. Has there been any change in the organizational structure of your union since the passage of the Taft-Hartley Act which would reduce the number of persons required to sign the non-Communist affidavit?

Mr. SHAPIRO. I have attended every convention of our union at least since 1944. I have never been a member of the constitutional committee which proposes changes to the delegation, but I do not recall any such constitutional change. There may have been one; I don't know.

Mr. TAVENNER. Do you recall whether or not the office of vice president or any of the offices of vice president has been eliminated since the passage of the Taft-Hartley Act in your union?

Mr. SHAPIRO. My impression, Mr. Tavenner, is that the national setup of the national officers is now and has been, for as long as I know, that of president, secretary treasurer, and an executive board consisting of approximately 35 men and women.

Mr. SCHERER. You never had any vice presidents, to your knowledge?

Mr. SHAPIRO. To my knowledge I can't say that we did, Representative Scherer. There may have been a loose reference to executive board members as vice presidents, but in that case all 35 would have been vice presidents, not any one in particular, and I don't think that that was a constitutional provision, at least it wasn't to my recollection.

Mr. SCHERER. They were called vice presidents, were they not?

Mr. SHAPIRO. If they were, it was a very loose term.

Mr. SCHERER. You know, as a matter of fact, don't you?

Mr. SHAPIRO. I don't know. No; I do not.

Mr. SCHERER. How long have you been with the Fur and Leather Workers Union?

Mr. SHAPIRO. I have answered that question, Congressman.

Mr. SCHERER. Well, I forgot.

Mr. SHAPIRO. I have been there since 1944.

Mr. SCHERER. And you don't recall any time from 1944 that any of these people to whom you referred having been called within the organization itself vice president or vice presidents, is that right?

Mr. SHAPIRO. Congressman Clardy, I am trying to the best of my ability to answer these questions. I think I am being harassed now by—on a very picayune point. I want to state again for your benefit, Congressman Scherer, that to my knowledge there has never been an official designation as vice president, and I repeat that.

Mr. SCHERER. Whether there has been an official designation or not, I am not inquiring. I am asking you whether or not within the organization certain of these people whom you have mentioned have not been referred to over the years as vice presidents.

Mr. SHAPIRO. Referred to by whom?

Mr. SCHERER. People within the union, like yourself.

Mr. SHAPIRO. Apparently Mr. Tavenner mistakenly referred to me as a State representative a few minutes ago. Now there may have been that kind of reference to any member of the executive board as a vice president. If there was, I am not accountable for it. I can only repeat that to my knowledge there was no official designation as vice president. I think that should satisfy you.

Mr. CLARDY. You have never called anyone in your organization by the term "vice president" then?

Mr. SHAPIRO. Not to my recollection.

Mr. SCHERER. You haven't addressed any communications then, have you? You haven't addressed any communications to any of these men as vice president?

Mr. SHAPIRO. Not that I recall.

Mr. SCHERER. You wouldn't say that you didn't?

Mr. SHAPIRO. I would not say so.

Mr. CLARDY. I think perhaps the committee ought to make it a little plainer, Mr. Tavenner, that the prime purpose of all these questions is that the committee has accumulated quite a lot of evidence that has convinced us that the non-Communist oath provision in the Taft-

Hartley law is not accomplishing the purpose for which it was devised. Under it it is possible for a man who is a Communist today to on the following day, divest himself, at least ostensibly, of that membership, take an oath, and then immediately rejoin the day following and square with his conscience and maybe with the law the fact that he was not a Communist, as he defines it at any rate, at the precise moment that he took the oath and made the affidavit.

Now, we have in process of preparation—

Mr. SCHIERER. Or change the names of the officers of the union so they don't have to comply.

Mr. CLARDY. That is right. Now, we have in process, undergoing changes and what not, a bill that the committee caused to be introduced in the name of our chairman, some time ago, designed to completely change the whole picture, the basis of it being to eliminate the Taft-Hartley oath provision and substitute therefor—and I am only giving you a very sketchy outline and leaving out a lot of it—to substitute therefor a provision of law which will say that any organization dominated by the Communists and found to be so dominated by a Government agency which we shall designate in the statute, shall be deprived of all advantages of the Taft-Hartley Act and related labor laws; provided further that if they have and do divest themselves of the Communist control and leadership, they may then come back before that board, and upon the presentation of proper proof, which convinces the board that that has been done, may again avail themselves of the advantages of the act.

We think that that will provide a much more effective protection for the good loyal American citizens who make up most of the unions in the United States, and it will enable them to clean house without too much difficulty. At the moment some of them are having a great deal of trouble, as we know.

Now, we are seeking to get information from you and from other witnesses to help us in accumulating facts to present to the House and to the Senate in explanation of and in furtherance of this move that the committee has undertaken during this session of Congress. I state that to you so you will understand, despite what you said earlier, our questions are entirely relevant and entirely in point. We have something that we think will be of benefit to the rank and file members, because for the first time it will enable them, figuratively speaking, to wring the necks of the Communist leaders who, in some instances, have taken control of their unions and have prevented the true expression of the wish and desire of the members.

Now, that is so you will understand.

Will you proceed, Mr. Tavenner.

Mr. SHAPIRO. May I be permitted to make a statement in answer to that?

Mr. CLARDY. Yes. There is nothing to say in answer to it, but if you understand what I am getting at and want to comment on it, I will entertain a brief statement.

Mr. SHAPIRO. I will make it brief. Our organization is faced with severe unemployment in the State of Michigan during this particular time. This is further complicated by the fact that many of our contracts are expiring and coming up for renewal. The membership of the locals are in the process of formulating serious demands to secure

and perhaps further improve their wages and their working conditions.

Mr. CLARDY. The committee, of course, has no authority to go into that field, I trust you understand.

Mr. SHAPIRO. I think that you have entered that field, Congressman, and that is why I wish to make this statement.

Mr. CLARDY. No, I am sorry, but according to the law under which we operate we are severely restricted and limited to the field that we are now investigating; that is, Communist propaganda, Communist infiltration, and other committees of Congress are devoting their time to the other problems.

Mr. SHAPIRO. The point I wish to make, Congressman, if you will permit me—

Mr. CLARDY. Surely.

Mr. SHAPIRO. Is that my subpena here and the tenor of the questions that are being directed now are calculated to disrupt and destroy the conditions of our membership in this particular situation.

Mr. CLARDY. No, it may be calculated to destroy any possible Communist domination, but nothing to do with the membership itself. Disabuse your mind of any idea that we are trying to bust your union or do anything in connection with it other than to help it cleanse itself.

Mr. SHAPIRO. You are not so naive as to believe that this hearing will not have an effect upon the membership and upon the employers with whom we must negotiate and therefore upon the conditions of the members. You know that it will.

Mr. CLARDY. If there are any Communists in your organization, I sincerely hope and pray that it will.

Mr. SHAPIRO. If there are any Communists in our organization, they as union members will be judged by the membership on the basis of their performance within the organization, on the basis of their devotion to the needs of the membership and upon no other basis.

Mr. CLARDY. Then you have nothing to fear.

Mr. SHAPIRO. I have something to fear from the employers whom this hearing is assisting.

Mr. CLARDY. Well, that, of course, is, as the old saying goes, one man's opinion.

Mr. SHAPIRO. Okay.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. SHAPIRO. Proceed. I give you permission.

Mr. TAVENNER. Thank you.

Mr. CLARDY. Oh, now—

Mr. SHAPIRO. I am not being facetious, Congressman.

Mr. CLARDY. I think in fairness you should, yourself, request that that remark be withdrawn.

Mr. SHAPIRO. I so request. You are perfectly right.

Mr. CLARDY. Proceed, Mr. Tavenner. I think we have quieted down a little bit here.

Mr. TAVENNER. Mr. Shapiro, the committee, through a document which it introduced in evidence during the hearing in Detroit last week, received information as to the strategic plans of the Communist Party in the field of industry. That report which was introduced in evidence as Johnson exhibit No. 1, stressed the importance of work to be done by Communist Party groups in aid particularly of the Ford section of the Communist Party. Mr. Harold Mikkelsen, during the

course of his testimony last week in Detroit, described the organizational work of certain of what was termed the downriver group or section of the Communist Party. He described the various clubs that were organized within that section. He told the committee that you were prominent in the work of those groups within the Communist Party. I would like you to tell the committee, if that testimony is correct, the nature of the work that was done in aid of the Ford section of the Communist Party.

Mr. SHAPIRO. Let me ask you a question first, if I may.

Mr. TAVENNER. I believe you should answer that question first.

Mr. SHAPIRO. I want you to clarify it for me.

Mr. TAVENNER. Very well.

Mr. SHAPIRO. I will state the clarification. Perhaps I should ask this of my attorney, but maybe you can help me, too; Wouldn't it be degrading for me to admit any knowledge of a paid informer? Wouldn't that tend to degrade me?

Mr. TAVENNER. Why, of course not.

Mr. CLARDY. And furthermore—

Mr. TAVENNER. Of course not.

Mr. CLARDY. Furthermore, witness, when you use the word "informant," you, yourself, are implying that somebody has some improper knowledge.

Mr. SHAPIRO. Not necessarily.

Mr. CLARDY. Well, maybe you may—

Mr. SHAPIRO. Oh, no.

Mr. CLARDY. Not think so.

Mr. SHAPIRO. You may think so.

Mr. CLARDY. You inquire of anyone in this audience, and you will find that is the reaction. That, of course, is a Communist word that is used over and over and over along with the term "stool pigeon." That is not involved in this at all. Now, will you answer the question. Do you remember it?

(At this point Mr. Shapiro conferred with Mr. Maki.)

Mr. SHAPIRO. Mr. Tavenner, in that long question which you asked me which sounded more like a statement than a question, did you use the words "Ford section of the Communist Party"?

Mr. TAVENNER. Yes.

Mr. SHAPIRO. I think you will have to define Communist Party for me. I don't know just what it is, and I am not being facetious, Mr. Congressman, or Mr. Tavenner.

Mr. TAVENNER. Well, let me ask you, have you been a member of a group that went under the name or designation of Communist Party?

Mr. SHAPIRO. Mr. Tavenner—

Mr. TAVENNER. That ought to serve as a basis for the definition.

Mr. SHAPIRO. The international president of our union was just convicted in Washington, D. C., on a charge of falsely signing a Taft-Hartley affidavit.

Mr. CLARDY. And fairly convicted, in my opinion.

Mr. SHAPIRO. In the summation of the Attorney General to the jury, the Attorney General said, in effect, the mere fact that the Government has not presented any evidence that Mr. Gold has been a member of the Communist Party since 1948 August, carried a card in the Communist Party, paid dues to the Communist Party or attended

any meetings of the Communist Party is no proof that he was not a member, and now you ask me questions about the Communist Party. How can I safely answer such a question?

Mr. TAVENNER. I am asking you whether you have at any time been a member of the Communist Party.

Mr. CLARDY. And you certainly can, with complete safety, say no if that is the truth.

Mr. SHAPIRO. I cannot, Mr. Congressman.

Mr. CLARDY. If it is the truth, you can.

Mr. SHAPIRO. I cannot. I believe that the word of an informer will be taken in preference to mine, and I would endanger myself on a charge of perjury if I were to answer.

Mr. TAVENNER. I suggest that the witness be directed to answer.

Mr. CLARDY. I so direct.

Mr. SHAPIRO. In that case you leave me no alternative but to rely upon my rights under the fifth amendment. I have no alternative.

Mr. SCHERER. Did you attend any Communist Party meetings?

Mr. SHAPIRO. I must give the same answer, Mr. Congressman, for the same reason.

Mr. SCHERER. Did you ever pay dues to the Communist Party?

Mr. SHAPIRO. Again I must decline to answer for the reasons stated.

Mr. SCHERER. Did you ever have a Communist Party card?

Mr. SHAPIRO. Same answer, Mr. Congressman, for the same reason.

Mr. SCHERER. Not since 1948, of course, because they have not issued any, but did you have a Communist Party card prior to 1948?

Mr. SHAPIRO. I must decline to answer that question for the reasons stated.

Mr. CLARDY. May I interject this: Mr. Counsel, am I not correct that Bereniece Baldwin, in her 1952 testimony, identified this witness?

Mr. TAVENNER. That is correct.

Mr. CLARDY. Witness, in the interval since the committee hearings approximately 2 years ago, the hearings of this committee, in which Mrs. Baldwin did identify you as a member of the Communist Party, have you made any request of this committee that you be afforded an opportunity to appear and deny that charge?

Mr. SHAPIRO. I have not.

Mr. CLARDY. Have you made any effort to institute any proceedings in court or anywhere else seeking to put before either the court or the public anything to contradict the statements made by Mrs. Baldwin?

Mr. SHAPIRO. I think that it would be fruitless—

Mr. CLARDY. No, that isn't the question, whether you think it would be that or not.

Mr. SHAPIRO. That is the reason I have.

Mr. CLARDY. You haven't made the effort. You have answered the question now.

Mr. SHAPIRO. That is the reason I have.

Mr. CLARDY. Am I to understand from that then that you have no confidence whatever in the courts of this land and their ability to afford—not their ability, but their willingness to afford you a fair opportunity to clear your name of any aspersions that you might feel as a result of her testimony or that of anyone else?

Mr. SHAPIRO. Mr. Congressman, in view of the present hysteria about the Communist situation, which this committee has aided, I

think that my confidence has been sadly shaken, especially since the conviction of our international president.

Mr. CLARDY. In other words, you have no faith in that part of the American system which we call the judiciary, have you?

Mr. SHAPIRO. Do you think it is impossible for jurists to be intimidated?

Mr. CLARDY. Just answer that question. You have no faith in our tripartite—

Mr. SHAPIRO. I have complete faith in the constitutional prerogatives established by our Constitution and Bill of Rights. I have complete faith in the jury system. I have complete faith in the wisdom and understanding of the American people to judge any political party or any organization on the basis of their performance for the needs of the people.

I have that faith. If you ask me if I have faith in individual politicians, judges, lawyers, or Congressmen, I must say, in all honesty, I seldom have faith in such people, in many such people.

Mr. CLARDY. You really have no faith at all in either the Congress or the courts, have you?

Mr. SHAPIRO. I have faith in Congress, I have faith in our Constitution which provides for the election of Congress in a democratic manner, and I assert it. I am sorry that sometimes I have to elect men like Congressman Clardy with whom I disagree in many ways, but that is the prerogative of the people, and as long as you are elected by the people as Congressman, I will respect you as such and of course I will work hard to help defeat you.

Mr. CLARDY. Well, I might say that you are joined by at least some of the defendants that were recently convicted in Detroit who told me in the corridor down there during the process of the trial they would be most happy to, and in fact would, try to defeat me if I dared to run again. I am happy to have that kind of opposition, I assure you, but to come back to the question that I was trying to get an answer to, you have no faith at all in either the courts or the Congress unless they decide cases or hold hearings as you wish them; isn't that the substance of what you are saying?

Mr. SHAPIRO. No, it is not.

Mr. CLARDY. It isn't?

Mr. SILAPIRO. No, it isn't.

Mr. CLARDY. All right. Now, you were not only identified by Bereniece Baldwin, you have been identified by others. Have you made at any time any effort to correct the record, public or otherwise, concerning that identification?

Mr. SILAPIRO. I don't think that I should dignify the words of paid informers, and I must repeat the word "informer," and I wish you could give me a better one.

Mr. CLARDY. Then I take it you have not been at all upset or disturbed by the fact that you have been identified as a member of the Communist Party.

Mr. SHAPIRO. I have been disturbed and upset insofar as it has affected the work of my organization to which I am utterly devoted.

Mr. CLARDY. But not disturbed sufficiently to do anything about it; in other words, to get what the Communists are continually crying out about, a day in court. You haven't been sufficiently disturbed to try to do that, have you?

(At this point Mr. Shapiro conferred with Mr. Maki.)

Mr. CLARDY. Let the matter pass. Will you proceed, Mr. Tavenner?

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. SHAPIRO. I must decline to answer on the grounds previously stated.

Mr. TAVENNER. It is not a question of dignifying so-called informers in answering that question.

Mr. SHAPIRO. I stated, Mr. Tavenner, that in view of the unfair and unjust conviction of our international president, no man is safe in answering that question. Besides being unsafe, it is an invasion into the area of personal rights, the right of association, the right of freedom of speech, and the right of freedom of press. I don't intend to lend this committee any assistance in destroying that section of our Constitution.

Mr. TAVENNER. Not if it means uncovering Communist Party activities?

Mr. SHAPIRO. Mr. Tavenner, if there is anything illegal which has been done by me or any other alleged Communist, why don't they prosecute them? Why don't you bring forth an indictment, prosecute and convict them? If you feel there is anything illegal that I have done, I welcome such an indictment.

Mr. CLARDY. May I point out the inconsistency of your position. Mr. Gold was tried and was convicted, and now you ask us why do not the people in government do something about it. They did, and you don't like that.

Mr. SHAPIRO. Well, in a few months, Representative, when the higher courts reverse the decision of the lower court in Washington, perhaps you will withdraw that question.

Mr. CLARDY. Well, we will wait—

Mr. SHAPIRO. I don't believe that Ben Gold's conviction will stand.

Mr. CLARDY. We will wait and see.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Did you engage in Communist Party activities in conjunction with a group of the Communist Party known as the Progressive Club of the Communist Party in the downriver section of Detroit?

Mr. SHAPIRO. If I were to say, Mr. Tavenner—if I were to say that I never hear of the Progressive Club of the downriver section of the Communist Party—you already have evidence from a friendly witness to the effect that I was a member of it, and I would be indicted for—what—perjury? I would, wouldn't I? How can I answer that question? I must decline to answer it under the fifth amendment.

Mr. CLARDY. You couldn't be convicted of perjury unless a jury of your peers were convinced that you had lied.

Mr. SHAPIRO. I have no illusion as to whose word would be taken in that case.

Mr. CLARDY. There is an old Biblical saying about men fleeing when no one pursueth. It seems to me that that applies distinctly here.

Proceed, Mr. Tavenner.

Mr. TAVENNER. I have asked you various questions about Communist Party membership on your part at definite times. I would like to ask you now whether you have been a member of the Communist Party at any time other than those which I called your attention to.

Mr. SHAPIRO. Again I must decline to answer under the fifth amendment.

Mr. TAVENNER. I have no further questions—yes, I do have one further question. Were you acquainted with Barbara Springer?

(At this point Mr. Shapiro conferred with Mr. Maki.)

Mr. SHAPIRO. My counsel advises me that I should refuse to identify her under the fifth amendment.

Mr. TAVENNER. Well, do you refuse to identify her?

Mr. SHAPIRO. Wasn't she a witness before this committee in some hearings in Ohio?

Mr. CLARDY. At Columbus.

Mr. SHAPIRO. Columbus, Ohio.

Mr. CLARDY. We were present.

Mr. SHAPIRO. Wasn't an allegation there made that she was a Communist or that her husband was?

Mr. CLARDY. She was identified as your secretary, among other things.

Mr. SHAPIRO. She was my secretary, but—

Mr. CLARDY. And she, I believe, herself, so said.

Mr. SHAPIRO. Well, I confirm it then.

Mr. TAVENNER. Was she a member of the Communist Party to your knowledge?

Mr. SHAPIRO. I must decline to answer that question for the reasons stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. I think we should note on the record the fact that Barbara Springer you referred to was the wife of Byron Thorwell Darling who was a professor at one time at MSC and then left and went to Ohio, I believe, State University at Columbus, and who appeared twice before our committee. Now, in saying that, despite the fact that they were both identified as members of the Communist Party along with the sister of Barbara Springer, there is no intention on the part of the committee to in any way infer that the campus of MSC is infested with Communists or that there is a bad situation there because that it not our belief.

Mr. TAVENNER. Do you include Ohio State in that also?

Mr. CLARDY. We most distinctly do because justice was meted out down there, as you will recall, after the second hearing which we held.

Mr. SCHERER. We made that statement at the time with reference to Ohio State. That is in the record.

Mr. TAVENNER. I knew that it was, but I thought it ought also to be in the record here.

Mr. CLARDY. Do you have any questions, Mr. Scherer?

Mr. SCHERER. Just going back, weren't you State director at one time?

Mr. SHAPIRO. I explained that, Congressman, that since I am the only organizer in the State of Michigan, some of the members of the union may have loosely referred to me as State director. There is no such official designation.

Mr. SCHERER. Wasn't there at one time?

Mr. SHAPIRO. There never was.

Mr. SCHERER. Then when the Taft-Hartley Act became effective, isn't it a fact that they abolished the title of State director?

Mr. SHAPIRO. No; that is not the fact.

Mr. SCHERER. That is not the fact?

Mr. SHAPIRO. That is not the fact. This I speak from my own knowledge.

Mr. SCHERER. Didn't you receive mail directed to you as the State director at one time?

Mr. SHAPIRO. I can't say for sure. I may have, and if I ever did, it was a mistaken designation.

Mr. SCHERER. Now let me ask you the question, did you ever sign any correspondence as State director?

Mr. SHAPIRO. I doubt it very much.

Mr. SCHERER. You wouldn't say that you didn't?

Mr. SHAPIRO. Maybe in a moment of vanity, I may have considered myself a State director and so signed myself, but I doubt it.

Mr. SCHERER. That is all.

Mr. CLARDY. Do you have anything further?

Mr. TAVENNER. I have nothing further, Mr. Chairman.

Mr. CLARDY. Witness dismissed.

A witness, in fact two witnesses, subpoenaed to appear before the committee and carried over until the hearings here in Lansing, will not be called at this time. One of them has already been excused, the husband, because of necessity for medical treatment. I took the testimony of the other witness, the wife, and husband also, in executive session quite some time ago, and I think that we will incorporate that eventually in the record of the proceedings after the full committee acts.

But I do have one other matter I want to bring to the attention of the committee through this record. Last week a member of the staff of the Lansing State Journal received through the mail of a document, together with an accompanying letter. That brings to mind something that I want to call attention to everyone who will read this report and anyone who will read the press reports and who will hear this on either radio or television. This committee in past years has recommended a great number of specific things that should be done in meeting the menace of communism, and one of those things we think is extremely important, and the matter we have just picked up deals with it.

Mr. Counsel, you are undoubtedly familiar, because you have been with the committee longer than I have, with the committee recommendation made as long ago as in January 1941 that there be legislation enacted to place restriction on the distribution of totalitarian propaganda, especially when it involves any cost to the American taxpayer, and as a result, the Internal Security Act of 1950 does have in it a provision dealing with that.

Now, in addition to that, the committee has also made a recommendation, made back in 1947, January 2, that the House request that certain second-class mailing privileges be revoked, and then again in 1947. While no bill has yet been enacted, and that is what I have in mind, the committee recommended that there be legislation denying the use of second-class mailing privileges to any group of persons or organizations engaged in the publication, distribution, or promotion of subversive or un-American propaganda. In the report published this year for the year 1953, bearing publication date of Febru-

ary 6, 1954, I call attention to the fact that we made this recommendation:

The committee further recommends that legislation be enacted forbidding the use of United States mails under second-class mailing privileges to subversive publications emanating either from foreign sources or from sources within the borders of the United States. It is also recommended that the Internal Security Act of 1950 be amended to permit the citing of such publications as subversive.

I have brought those to the record and have commented on it because the literature in question has suggested to me the possibility of a still further recommendation that I think will tie in with those the committee has already made, and parenthetically I think I should remark that the recommendations I have mentioned are only one of a long string. It takes many pages to detail them in their entirety. But the letter in question came in an envelope marked only on the outside with the words "Post office box 87, Cooper Station, New York 3, New York," no identification whatsoever to demonstrate that within it was subversive propaganda, and it bears above the stamp section 33.66, postal laws and regulation, which indicates they have had the benefit of the mailing privileges at the cost to the taxpayers of the United States.

They have had that benefit so that they might mail out subversive propaganda. The letter itself is headed at the top "Communist Party, U. S. A." It is signed by William Z. Foster, Elizabeth Gurley Flynn, and Pettis Perry. If I remember correctly, there is something that happened to at least a couple of those people, Mr. Tavenner.

Mr. TAVERNNE. All 3 were indicted. Foster was not tried because of illness. The other two were tried and convicted.

Mr. CLARDY. That is right. Now, enclosed with that letter was a document entitled "The American Way to Jobs, Peace, and Democracy," and to those of you who read the local press, you have undoubtedly noted from letters to the editor the fact that those letters used precisely that language repeatedly. In this document—and I shall not read it because I am going to have it made an exhibit to attach to what we are doing here—but I do want to bring into the record something that I think sums up in a fashion what I am trying to get at.

Here is a sentence or two:

One-third of mankind is emancipated from imperialist oppression and capitalist exploitation and has taken the path of socialism. The rise of the Soviet Union, its tremendous industrial and cultural advance, the victory of the Chinese people and the peoples of Eastern Europe prove that socialism is here to stay and is indestructible.

In others words, they are praising the Communist victory all over the world wherever they may have achieved any, in China and in Europe, and they speak of the fact that socialism is here to stay and that there has been an emancipation, as Congressman Scherer suggests, even in Korea, where we had about 140,000 casualties, and then they say this, and I hope everyone within the area who becomes acquainted with these proceedings will understand why we are so gravely disturbed, why this committee is so gravely concerned.

They say this:

There can be no hope for a lasting peace and world disarmament without accepting the principle of peaceful coexistence between the capitalist U. S. A.

and the socialist Soviet Union. This must include people's China, the established and effective government of the great Chinese nation.

and then they go on and say at another point that all they are talking about also means hands off in Guatemala. They indulge in a little bit of the tirade that you have heard here on the stand when they urge an end to the witch-hunting and the abolition of all congressional committees, and then they say this:

Amnesty must be granted to Eugene Dennis, Benjamin J. Davis, Gus Hall, and the other Communist leaders and victims of McCarthyism; the attempts to outlaw the Communist Party and to deprive Communists of their citizenship rights must be defeated. The Smith and McCarran Acts should be repealed.

Now, I brought that to the attention of the committee and to those who may read our report to let it be seen that this committee has in mind a great many things that we think the Congress can do, and one of them that I shall urge is to reenforce the already quoted resolution of the committee. I shall urge that hereafter no Communist propaganda or literature of any kind shall be permitted to be circulated under the second class mailing privileges under any circumstances, that it shall not be mailed unless it is plainly lettered in letters of flaming red on the outside that it is Communist propaganda, and in the alternative, if I can impress upon the other Members of Congress, I shall urge that it be absolutely barred and prohibited from being transported under any circumstance or condition if that can be accomplished without endangering the rights of a free people to disseminate proper information.

I recognize the difficulty of enforcement. It may be necessary to amend the things I have said, but the objective will not be changed.

Then I want to note one further thing, Mr. Tavenner, because it pleases me, and I am sure it will you. You have just read the other day in the paper, in fact within the week, that the Attorney General is now creating a special division in the Department of Justice to deal with subversive matters.

Well, I would just like to call attention to the genesis of that idea. On January 2, 1947, this committee said, in its recommendations:

The Department of Justice be required by law to establish within the Department a special division devoted to the prosecution of subversive elements now operating in the United States.

It apparently hasn't taken a law to accomplish it, but at least we sparked the idea.

Now, is there anything further to come before the hearing at this time and place that you know of?

Mr. TAVENNER. Nothing at this time, Mr. Chairman.

Mr. CLARDY. Will the audience remain quiet while I conclude the announcements.

Tomorrow morning the committee will resume its sessions in the supervisor's room in the courthouse at Flint, Mich. I am a little bit uncertain as to whether we set the subpena time for 9:30 or 10:00. Do you recall, Mr. Appell?

Mr. APPELL. I think 9:30.

Mr. CLARDY. Yes, I recall. The hour will be 9:30 a. m. All witnesses that have been subpenaed to appear in Flint will appear at that hour and at that place.

Unless we have otherwise directed by new subpoenas or by telegrams or other means of communication, the witnesses will appear at that time and place.

The hearing is now adjourned until tomorrow morning at the hour set.

(Whereupon, at 2:37 p. m., the hearing was recessed until 9:30 a. m., Wednesday, May 12, 1954.)

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